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DEBATES AND PROCEEDINGS

OF THE

CONVENTION

WHICH ASSEMBLED AT LITTLE ROCK,

JANUARY 7th, 1868,

UNDER THE PROVISIONS OF THE ACT OF CONGRESS OF MARCH 2d, 1867,
AND THE ACTS OF MARCH 23D AND JULY 19TH, 1867,
SUPPLEMENTARY THERETO,

TO FORM A

CONSTITUTION

FOR THE

STATE OF ARKANSAS.

OFFICIAL:
JOHN G. PRICE, SECRETARY.

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LITTLE ROCK:
J. G. PRICE,
PRINTER TO THE CONVENTION.
1868.

The Debates reported in phonetic short-hand, incorporated with the Journal, and the volume edited,

By JAMES M. POMEROY.

MEMBERS

OF THE

ARKANSAS CONSTITUTIONAL CONVENTION

OF 1868.

MEMBERS OF THE ARKANSAS CONSTITUTIONAL CONVENTION OF 1868.*

COUNTIES.	NAMES OF MEMBERS.	POST-OFFICE.	WHERE BORN.	AGE.	OCCUPATION.	NO. OF YEARS IN STATE.
ARKANSAS,	John McClure,	South Bend,	Ohio,†	35,†	Lawyer,	5.
	John H. Hutchinson,	South Bend,	Canada,†	31,†	Physician,	3.†
ASHLEY,	W. D. Moore,	Hamburg,	Alabama,	35,	Lawyer,	8.
	George W. Norman,	Hamburg,	Georgia,	35,	Lawyer,	9.
BENTON,	W. W. Reynolds,	Bentonville,	Maryland,	27,	Lawyer,	11.
BRADLEY,	John M. Bradley,	Warren,	Tennessee,	40,	Lawyer,	20.
CALHOUN,	William G. Hollis,	Camden,	Tennessee,	37,	Merchant & Farmer,	21.
CARROLL,	Joseph Wright,	Carrollton,	Kentucky,	48,	Minister,	17.
CHICOT,	James W. Mason, [C.]	Sunnyside,	Arkansas,	26,	Postmaster,	26.
CLARK,	Solomon Exon,	Arkadelphia,	England,	41,	Farmer,†	17.
	Miles Ledford Langley,	Arkadelphia,	. . . . . .	35,†	Minister,	. .
COLUMBIA,	William A. Beasley,	Lamartine,	South Carolina,	49,	Farmer, Physician, and Minister,	10.†
	George W. McCown,	Magnolia,	Tennessee,†	31,†	Lawyer,	. .

CONWAY,	Anthony Hinkle,	Springfield,	Kentucky,	57,	Physician,	27.
CRAIGHEAD [and *Mississippi*],	Frederick R. Poole,	Osceola,	New Jersey,†	29,†	Lawyer,	5.†
CRAWFORD,	Thomas M. Bowen,	Van Buren,	Iowa,	36,†	Lawyer,	5.
CRITTENDEN,	Asa Hodges,	Marion,	Alabama,†	43,†	Lawyer,	
CROSS [and *Poinsett*],	J. A. Houghton,	Harrisburg,	Alabama,	44,	Farmer,	19.
DALLAS,	Gayle H. Kyle,	Arkadelphia,	Tennessee,	61,†	Farmer,	12.†
DESHA,	Clifford Stanley Sims,	Laconia,	Pennsylvania,	29,	Lawyer,	5.
DREW,	R. G. Puntney,	Branchville,		50,†	Physician,	
	Samuel J. Matthews,	Monticello,		30,†	Lawyer,	8.†
FRANKLIN,	Robert Hatfield,	Huntsville,	Alabama,	37,	Minister,	16.
FULTON [and *Searcy*],	William A. Wyatt,	Point Peter,	Tennessee,	40,	Farmer,	

* Members having in many instances omitted to furnish the Secretary with the requisite data, the statistics of this table are necessarily imperfect.

† As nearly as could be ascertained, from information accessible to the Secretary after the adjournment of the Convention.

[C.] Colored.

MEMBERS OF THE ARKANSAS CONSTITUTIONAL CONVENTION OF 1868—*Continued.*

COUNTIES.	NAMES OF MEMBERS.	POST-OFFICE.	WHERE BORN.	AGE.	OCCUPATION.	NO. OF YEARS IN STATE.
GREENE,	Hampton T. Allen, [A.]	Gainesville,				
HEMPSTEAD,	John R. Montgomery,	Washington,	Ohio,	38,†	Lawyer,	4.†
	Solomon D. Belden,	Washington,	Kentucky,	59,	At leisure,	16.
	Richard Samuels, [C.]	Washington,	Arkansas,†		Farmer,	
HOT SPRING,	John W. Harrison,	Tulip, Dallas Co.,	Tennessee,	44,	Physician,	
INDEPENDENCE,	Peter G. Misner,	Batesville,	Ohio,	57,	Brick Mason,	
	George W. Dale,	Batesville,	Indiana,	48,†	Farmer,	5.†
IZARD,	W. W. Adams,	North Fork,	Arkansas,	34,	Farmer,	34.
JACKSON,	W. H. Pickett, [A.]	Jacksonport,†				
JEFFERSON,	Samuel W. Mallory,	Pine Bluff,	New York,	36,	Engineer,	5.
	O. P. Snyder,	Pine Bluff,		41,†	Lawyer,	20.†
	James M. Gray,	Pine Bluff,	Illinois,	28,†	Planter,	5.
	William Murphy, [C.]	Pine Bluff,			Farmer,	
JOHNSON,	John N. Sarber,	Clarksville,	Pennsylvania,	27,	Lawyer,	6

LAFAYETTE,	Alfred M. Merrick,	Lewisville,	Massachusetts,	60,†	Merchant,	9.
	Monroe Hawkins, [C.]	Lewisville,	North Carolina,	36,	Minister and Farmer,	26.
LAWRENCE,	Bouldin Duvall,	Smithville,	Virginia,	44,	Farmer,	11.
LITTLE RIVER,	George S. Scott,	Rocky Comfort,	Scotland,	29,†	Merchant,	3.†
MADISON,	F. M. Sams,	Huntsville,	Arkansas,	25,	Lawyer,	25.
MARION. [and *Newton*],	Parley A. Williams,	Whiteville,	Tennessee,	33,	Farmer,	8.
MISSISSIPPI [Joined with *Craighead.*]	. . . .	. . . .	. . . .	. . .	. . . .	. .
MONROE,	Amos H. Evans,	Indian Bay,	New Jersey,	28,	Farmer,	3.
MONTGOMERY [and *Perry*],	John C. Priddy,	Hot Springs,	North Carolina,	54,	Minister,	17.
NEWTON [Joined with *Marion.*]	. . . .	. . . .	. . . .	. . .	. . . .	. .
OUACHITA,	James P. Portis,	Camden,	North Carolina,	67,	Farmer,	11.
	Nathan N. Rawlings,	Camden,	Tennessee,	50,	Planter,	11.

[A.] Did not appear in the Convention.

† As nearly as could be ascertained, from information accessible to the Secretary after the adjournment of the Convention. [C.] Colored.

MEMBERS OF THE ARKANSAS CONSTITUTIONAL CONVENTION OF 1868—*Continued.*

COUNTIES.	NAMES OF MEMBERS.	POST-OFFICE.	WHERE BORN.	AGE.	OCCUPATION.	NO. OF YEARS IN STATE.
PERRY [Joined with *Montgomery.*]						
PHILLIPS,	Joseph Brooks,	Helena,	Ohio,	46,	Minister,	5.
	Thomas Smith,	Helena,	Pennsylvania,	58,	Physician,	5.
	William H. Grey, [C.]	Helena,	Dist. Columbia,	38,	Minister,	3.
	James T. White, [C.]	Helena,	Indiana,	28,	Minister,	3.
PIKE [and *Polk*],	Elijah Kelly, [A.]	Antoine,†				
POINSETT [Joined with *Cross.*]						
POLK [Joined with *Pike.*]						
POPE,	Walter W. Brashear,	Russellville,	Arkansas,	29,	Farmer,	29.
PRAIRIE,	Robert S. Gantt,	Brownsville,	Alabama,	36,	Lawyer,	10.
	William F. Hicks,	Brownsville,	Tennessee,	44,	Merchant,	32.

PULASKI,	James L. Hodges,	Little Rock,	New York,	36,	Manufacturer,	5.
	James Hinds,	Little Rock,	New York,	38,	Lawyer,	3.
	Henry Rector, [C.]	Little Rock,	Arkansas,	22,	Planter,	22.
	Thomas P. Johnson, [C.]	Little Rock,	North Carolina,	55,	Minister,	8.
RANDOLPH,	Ham. W. Ratcliffe,	Pocahontas,			Lawyer,	
ST. FRANCIS,	Daniel Coates,	Madison,		26,†	Physician,	4.†
SALINE,	James H. Shoppach,	Benton,	Arkansas,	23,	Laborer,	23.
SCOTT,	Charles H. Oliver,	Chisinville,	Tennessee,	39,	Farmer,	24.
SEARCY [Joined with *Fulton*.]						
SEBASTIAN,	Moses Bell,	Greenwood,	Tennessee,	39,	Physician,	30.
SEVIER,	Joseph H. Corbell,	Paraclifta,	Alabama,	39,	Farmer,	22.
UNION,	R. C. Vanhook,	Eldorado,	North Carolina,	50,	Farmer,	21.
	Ira L. Wilson,	Hillsborough,		50,†		

[C.] Colored.

[A.] Did not appear in the Convention.

† As nearly as could be ascertained, from information accessible to the Secretary after the adjournment of the Convention.

MEMBERS OF THE ARKANSAS CONSTITUTIONAL CONVENTION OF 1868—*Continued.*

COUNTIES.	NAMES OF MEMBERS.	POST-OFFICE.	WHERE BORN.	AGE.	OCCUPATION.	NO. OF YEARS IN STATE.
VAN BUREN,	JESSE MILLSAPS,	Clinton,	North Carolina,	41,	Farmer,	8.
WASHINGTON,	CHARLES W. WALKER,	Fayetteville,	Arkansas,	32,	Lawyer,	32.
	JAMES M. HOGE,	Fayetteville,	Arkansas,	32,	Physician,	32.
WHITE,	J. N. CYPERT,	Searcy,	Tennessee,	44,	Lawyer,	17.
	THOMAS OWEN,	Searcy,	. . . . .	. .	Farmer,†	. .
WOODRUFF,	W. H. GRAY, [A.]	Augusta,	. . . . .	. .	. . . . .	. .
YELL,	FRANKLIN MONROE ROUNSAVILLE,	Bluffton,	Tennessee,	44,	Physician,	17.

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† As nearly as could be ascertained, from information accessible to the Secretary after the adjournment of the Convention.

[A.] Did not appear in the Convention.

OFFICERS

OF THE

ARKANSAS CONSTITUTIONAL CONVENTION

OF

1868.

President,

THOMAS M. BOWEN,
OF CRAWFORD CO.

Vice-Presidents,

JAMES L. HODGES,
OF PULASKI CO.

JOHN M. McCLURE,
OF ARKANSAS CO.

JOSEPH BROOKS,
OF PHILLIPS CO.

O. P. SNYDER,
OF JEFFERSON CO.

GEORGE S. SCOTT,
OF LITTLE RIVER CO.

WALTER W. BRASHEAR,
OF POPE CO.

Secretary,

JOHN G. PRICE,
OF PULASKI CO.

Assistant Secretaries,

HENRY ST. JOHN,
OF BRADLEY CO.

F. E. WRIGHT,
OF PHILLIPS CO.

Chaplain,

REV. MOSES F. HYDE,
OF INDEPENDENCE CO.

Sergeant-at-Arms,

CHARLES SCHAERF,
OF PULASKI CO.

Assistant Sergeants-at-Arms,

D. P. BELDEN,
OF HOT SPRING CO.

J. H. KIRKHAM,
OF PIKE CO.

Doorkeeper,

HENRY D. SEVIER,
OF CONWAY CO.

Assistant Doorkeepers,

E. A. ROBINSON,
OF SEARCY CO.

JOHN AGEE,*
OF PULASKI CO.

A. S. MUSTAIN,
OF PRAIRIE CO.

Pages,

J. C. WILCOX,

J. E. RECTOR,*

J. M. JACKSON,*
OF PULASKI CO.

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* Colored.

STANDING COMMITTEES

OF THE

CONVENTION.

The Constitution, its Arrangement and Phraseology.

Mr. Hodges, of Pulaski,
" Brooks,
Mr. Walker,
" Portis,
" McClure,
Mr. Sims,
" Sarber.

Preamble and Bill of Rights.

Mr. Brooks,
" Coates,
Mr. Priddy,
" Van Hook,
" Hawkins,
Mr. Langley,
" Harrison.

Legislative Department.

Mr. Sims,
" Corbell,
Mr. Brashear,
" Hutchinson,
" Wyatt.
Mr. Evans,
" Pickett.

Executive.

Mr. Snyder,
" Sims,
Mr. Johnson,
" Kelly,
" Matthews,
Mr. Wilson,
" McClure.

Boundaries.

Mr. Bradley,
" Beasley,
Mr. Wyatt,
" Wilson,
" Gray, of Woodruff,
Mr. Rounsaville,
" Grey, of Phillips.

STANDING COMMITTEES OF THE CONVENTION.

Judiciary.

Mr. Montgomery,
" Snyder,
Mr. McClure,
" Sams,
" McCown,
Mr. Sims,
" Hinds.

State Officers other than Executive.

Mr. Brashear,
" Brooks,
Mr. Duvall,
" Williams,
" Sims,
Mr. Matthews,
" Hodges, of Pulaski.

Organization of Government of Cities and Villages.

Mr. Grey, of Phillips,
" Johnson,
Mr. Samuels,
" Cypert,
" Allen,
Mr. Mallory,
" Corbell.

Salaries.

Mr. Mallory,
" McClure,
Mr. Hutchinson,
" Misner,
Mr. Sims,
" Gray, of Jefferson

Counties and Townships.

Mr. Oliver,
" Millsaps,
Mr. Hawkins,
" Langley,
" Bell,
Mr. Hinkle,
" Houghton.

Elective Franchise.

Mr. Hinds,
" Hutchinson,
Mr. Exon,
" Grey, of Phillips,
Mr. Cypert,
" Brashear.

Finance, Taxation, Public Debt, and Expenditures.

Mr. McClure,
" Hodges, of Pulaski,
Mr. Sarber,
" Montgomery,
" Scott,
Mr. Poole,
" Sims.

Education.

Mr. Hutchinson,
" Mason,
Mr. Grey, of Phillips,
" Dale,
" Smith,
Mr. Brooks,
" Gray, of Jefferson.

STANDING COMMITTEES OF THE CONVENTION.

Banking, and Corporations other than Municipal.

Mr. McCown,
“ Sarber,
Mr. Hatfield,
“ Hodges, of Crittenden,
Mr. Houghton,
“ Williams.

Exemption of Real and Personal Estate.

Mr. Beasley,
“ Murphy,
Mr. Montgomery,
“ Rounsaville,
“ Belden,
Mr. Owen,
“ McCown.

Amending and Revising Constitution.

Mr. Kyle,
“ Reynolds,
Mr. Wyatt,
“ Williams,
“ Gray, of Jefferson,
Mr. Snyder,
“ Brashear.

Internal Improvements.

Mr. Smith,
“ Oliver,
Mr. Bell,
“ Portis,
“ Sarber,
Mr. Brashear,
“ Misner.

Impeachment, and Removal from Office.

Mr. Evans,
“ Shoppach,
Mr. Puntney,
“ Rawlings,
“ White,
Mr. Priddy,
“ Gantt.

Miscellaneous Provisions.

Mr. Scott,
“ Allen,
Mr. Coates,
“ Mallory,
“ Ratcliffe,
Mr. Evans,
“ White.

Schedule.

Mr. Matthews,
“ Hicks,
Mr. Rounsaville,
“ Puntney,
“ Hinds,
Mr. Gantt,
“ Rector.

Printing.

Mr. McClure,
“ Sarber,
Mr. Sims,
“ Coates,
Mr. Hodges, of Pulaski,
“ Van Hook.

STANDING COMMITTEES OF THE CONVENTION.

Supplies.

Mr. Sams,
“ Bradley,
Mr. Hawkins,
“ Mason,
“ Wright,
Mr. Harrison,
“ Hodges, of Crittenden.

Election.

Mr. Sarber,
“ Mallory,
Mr. Hinds,
“ Hatfield,
“ Dale,
Mr. Hutchinson,
“ Gantt.

Apportionment.

Mr. Sarber,
“ McClure,
Mr. Hinds,
“ Hodges, of Pulaski,
Mr. Snyder.

Engrossment.

Mr. Poole,
“ Coates,
Mr. Bradley,
“ Hoge,
Mr. Evans,
“ Hodges, of Pulaski.

Memorials and Ordinances.

Mr. Hinds,
“ Beasley,
Mr. Rawlings,
“ Snyder,
Mr. Kyle,
“ Hollis.

Federal Relations.

Mr. Hodges, of Crittenden,
“ Hutchinson,
Mr. Snyder,
“ Hodges, of Pulaski,
“ Cypert,
Mr. Murphy,
“ Scott.

Revising Journal.

Mr. Cypert,
Mr. Brooks,
Mr. Beasley.

Ratification.

Mr. Hodges, of Pulaski,
Mr. Smith,
Mr. Hutchinson.

Correspondence.

Mr. Brooks,
Mr. Sims,
Mr. Hodges, of Crittenden.

THE

ACTS OF CONGRESS,

AND

ORDERS

FROM HEADQUARTERS

FOURTH MILITARY DISTRICT,

ISSUED PURSUANT THERETO;

UNDER THE PROVISIONS AND BY THE AUTHORITY OF WHICH THE CONVENTION WAS CALLED, AND ASSEMBLED.

AN ACT

To provide for the more Efficient Government of the Rebel States.

Whereas no legal State governments or adequate protection for life or property now exists in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas; and whereas it is necessary that peace and good order should be enforced in said States until loyal and republican State governments can be legally established: Therefore—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said rebel States shall be divided into military districts and made subject to the military authority of the United States as hereinafter prescribed; and for that purpose Virginia shall constitute the first district; North Carolina and South Carolina the second district; Georgia, Alabama, and Florida the third district; Mississippi and Arkansas the fourth district; and Louisiana and Texas the fifth district.

Sec. 2. *And be it further enacted,* That it shall be the duty of the President to assign to the command of each of said districts an officer of the army not below the rank of brigadier general, and to detail a sufficient military force to enable such officer to perform his duties and enforce his authority within the district to which he is assigned.

SEC. 3. *And be it further enacted*, That it shall be the duty of each officer assigned as aforesaid to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals, and to this end he may allow local civil tribunals to take jurisdiction of and to try offenders, or, when in his judgment it may be necessary for the trial of offenders, he shall have power to organize military commissions or tribunals for that purpose, and all interference, under color of State authority, with the exercise of military authority under this act, shall be null and void.

SEC. 4. *And be it further enacted*, That all persons put under military arrest by virtue of this act shall be tried without unnecessary delay, and no cruel or unusual punishment shall be inflicted; and no sentence of any military commission or tribunal hereby authorized, affecting the life or liberty of any person, shall be executed until it is approved by the officer in command of the district, and the laws and regulations for the government of the army shall not be affected by this act, except in so far as they conflict with its provisions: *Provided*, That no sentence of death, under the provisions of this act, shall be carried into effect without the approval of the President.

SEC. 5. *And be it further enacted*, That when the people of any one of said rebel States shall have formed a constitution of government in conformity with the Constitution of the United States in all respects, framed by a convention of delegates elected by the male citizens of said State twenty-one years old and upward, of whatever race, color, or previous condition, who have been resident in said State for one year previous to the day of such election, except such as may be disfranchised for participation in the rebellion, or for felony at common law; and when such constitution shall provide that the elective franchise shall be enjoyed by all such persons as have the qualifications herein stated for electors of delegates; and when such constitution shall be ratified by a majority of the persons voting on the question of ratification who are qualified as electors for delegates; and when such constitution shall have been submitted to Congress for examination and approval, and Congress shall have approved the same; and when said State, by a vote of its legislature elected under said constitution, shall have adopted the amendment to the Constitution of the United States proposed by the Thirty-ninth Congress, and known as article fourteen; and when said article shall have become a part of the Constitution of the United States, said State shall be declared entitled to representation in Congress, and senators and representatives shall be admitted therefrom on their taking the oath prescribed by law; and then and thereafter the preceding sections of this act shall be inoperative in said State: *Provided*, That no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States shall be eligible to election as a member of the convention to frame a constitution for any of said rebel States, nor shall any such person vote for members of such convention.

SEC. 6. *And be it further enacted*, That until the people of said rebel States shall be by law admitted to representation in the Congress of the United States, any civil government which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control, or supersede the same; and in all elections to any office under such provisional governments all persons shall be entitled to vote, and none others, who are entitled to vote under the fifth section of this act; and no person shall be eligible to any office under any such provisional governments who would be disqualified from holding office under the provisions of the third article of said constitutional amendment.

SCHUYLER COLFAX,
Speaker of the House of Representatives.
LA FAYETTE S. FOSTER,
President of the Senate, pro tempore.

IN THE HOUSE OF REPRESENTATIVES,
March 2, 1867.

The President of the United States having returned to the House of Representatives, in which it originated, the bill entitled "An act to provide for the more efficient government of the rebel States," with his objections thereto, the House of Representatives proceeded, in pursuance of the Constitution, to reconsider the same, and

Resolved, That the said bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest: EDWARD MCPHERSON,
Clerk H. R. U. S.

IN SENATE OF THE UNITED STATES,
March 2, 1867.

The Senate having proceeded, in pursuance of the Constitution, to reconsider the bill entitled "An act to provide for the more efficient government of the rebel States," returned to the House of Representatives by the President of the United States with his objections, and sent by the House of Representatives to the Senate with the message of the President returning the bill,

Resolved, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

Attest: J. W. FORNEY,
Secretary of the Senate.

AN ACT

SUPPLEMENTARY TO AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE MORE EFFICIENT GOVERNMENT OF THE REBEL STATES," PASSED MARCH SECOND, EIGHTEEN HUNDRED AND SIXTY-SEVEN, AND TO FACILITATE RESTORATION.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That before the first day of September, eighteen hundred and sixty-seven, the commanding general in each district defined by an act entitled "An act to provide for the more efficient government of the rebel States," passed March second, eighteen hundred and sixty-seven, shall cause a registration to be made of the male citizens of the United States, twenty-one years of age and upwards, resident in each county or parish in the State or States included in his district, which registration shall include only those persons who are qualified to vote for delegates by the act aforesaid, and who shall have taken and subscribed the following oath or affirmation: "I, ———, do solemnly swear, (or affirm,) in the presence of Almighty God, that I am a citizen of the State of ———; that I have resided in said State for ——— months next preceding this day, and now reside in the county of ———, or the parish of ———, in said State, (as the case may be;) that I am twenty-one years old; that I have not been disfranchised for participation in any rebellion or civil war against the United States, nor for felony committed against the laws of any State or of the United States; that I have never been a member of any State legislature, nor held any executive or judicial office in any State and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I will faithfully support the Constitution and obey the laws of the United States, and will, to the best of my ability, encourage others so to do: So help me God;" which oath or affirmation may be administered by any registering officer.

SEC. 2. *And be it further enacted*, That after the completion of the registration hereby provided for in any State, at such time and places therein as the commanding general shall appoint and direct, of which at least thirty days public notice shall be given, an election shall be held of delegates to a convention for the purpose of establishing a constitution and civil government for such State loyal to the Union, said convention in each State, except Virginia, to consist of the same number of members as the most numerous branch of the State legislature of such State in the year eighteen hundred and sixty, to be apportioned among the several districts, counties, or parishes of such State by the commanding general, giving to each representation in the ratio of voters registered as aforesaid as nearly as may be. The convention in Virginia shall consist of the same number of members as represented the territory now constituting Virginia in the most numerous branch of the legislature of said State in the year eighteen hundred and sixty, to be apportioned as aforesaid.

SEC. 3. *And be it further enacted*, That at said election the registered voters of each State shall vote for or against a convention to form a constitution therefor under this act. Those voting in favor of such a convention shall have written or printed on the ballots by which they vote for delegates, as aforesaid, the words "For a convention," and those voting against such a convention shall have written or printed on such ballots the words "Against a convention." The persons appointed to superintend said election, and to make return of the votes given thereat, as herein provided, shall count and make return of the votes given for and against a convention; and the commanding general to whom the same shall have been returned shall ascertain and declare the total vote in each State for and against a convention. If a majority of the votes given on that question shall be for a convention, then such convention shall be held as hereinafter provided; but if a majority of said votes shall be against a convention, then no such convention shall be held under this act: *Provided*, That such convention shall not be held unless a majority of all such registered voters shall have voted on the questions of holding such convention.

SEC. 4. *And be it further enacted*, That the commanding general of each district shall appoint as many boards of registration as may be necessary, consisting of three loyal officers or persons, to make and complete the registration, superintend the election, and make return to him of the votes, list of voters, and of the persons elected as delegates by a plurality of the votes cast at said election; and upon receiving said returns he shall open the same, ascertain the persons elected as delegates, according to the returns of the officers who conducted said election, and make proclamation thereof; and if a majority of the votes given on that question shall be for a convention, the commanding general, within sixty days from the date of election, shall notify the delegates to assemble in convention, at a time and place to be mentioned in the notification, and said convention, when organized, shall proceed to frame a constitution and civil government according to the provisions of this act, and the act to which it is supplementary; and when the same shall have been so framed, said constitution shall be submitted by the convention for ratification to the persons registered under the provisions of this act at an election to be conducted by the officers or persons appointed, or to be appointed by the commanding general, as hereinbefore provided, and to be held after the expiration of thirty days from the date of notice thereof, to be given by said convention; and the returns thereof shall be made to the commanding general of the district.

SEC. 5. *And be it further enacted*, That if, according to said returns, the constitution shall be ratified by a majority of the votes of the registered electors qualified as herein specified, cast at said election, at least one-half of all the registered voters voting upon the question of such ratification, the president of the convention shall transmit a copy of the same, duly certified, to the President of the United States, who shall forthwith transmit the same to Congress, if then in session, and if not in session, then immediately upon its next assembling; and if it shall moreover appear to Congress that the election was one at which all the registered and qualified electors in the State had an opportunity to vote freely, and without restraint, fear, or the influence of fraud, and if the Congress shall be satisfied that such constitution meets the approval of a majority of all the qualified electors in the State, and if the said constitution shall be declared by Congress to be in conformity with the provisions of the act to which this is supplementary, and the other provisions of said act shall have been complied with, and the said constitution shall be approved by Congress, the State shall be declared entitled to representation, and senators and representatives shall be admitted therefrom as therein provided.

SEC. 6. *And be it further enacted*, That all elections in the States mentioned in the said "Act to provide for the more efficient government of the rebel States," shall, during the operation of said act, be by ballot; and all officers making the said registration of voters, and conducting said elections, shall, before entering upon the discharge of their duties, take and subscribe the oath prescribed by the act approved July second, eighteen hundred and sixty-two, entitled "An act to prescribe an oath of office:" *Provided*, That if any person shall knowingly and falsely take and subscribe any oath in this act prescribed, such person so offending, and being thereof duly convicted, shall be subject to the pains, penalties, and disabilities which by law are provided for the punishment of the crime of wilful and corrupt perjury.

SEC. 7. *And be it further enacted*, That all expenses incurred by the several commanding generals, or by virtue of any orders issued, or appointments made by them, under or by virtue of this act, shall be paid out of any moneys in the Treasury not otherwise appropriated.

SEC. 8. *And be it further enacted*, That the convention for each State shall prescribe the fees, salary, and compensation to be paid to all delegates and other officers and agents herein authorized or necessary to carry into effect the purposes of this act, not herein otherwise provided for, and shall provide for the levy and collection of such taxes on the property in such State as may be necessary to pay the same.

SEC. 9. *And be it further enacted,* That the word "article," in the sixth section of the act to which this is supplementary, shall be construed to mean "section."

SCHUYLER COLFAX,
Speaker of the House of Representatives.

B. F. WADE,
President of the Senate, pro tempore.

IN THE HOUSE OF REPRESENTATIVES, U. S.,
March 23d, 1867.

The President of the United States having returned to the House of Representatives, in which it originated, the bill entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the rebel States,' passed March second, eighteen hundred and sixty-seven, and to facilitate restoration," with his objections thereto, the House of Representatives proceeded, in pursuance of the Constitution, to reconsider the same; and—

Resolved, That the said bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest: EDWD. MCPHERSON,
Clerk H. R. U. S.

IN SENATE OF THE UNITED STATES,
March 23d, 1867.

The Senate having proceeded, in pursuance of the Constitution, to reconsider the bill entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the rebel States,' passed March second, eighteen hundred and sixty-seven, and to facilitate restoration," returned to the House of Representatives by the President of the United States, with his objections, and sent by the House of Representatives to the Senate, with the message of the President returning the bill—

Resolved, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

Attest: J. W. FORNEY,
Secretary.

AN ACT

SUPPLEMENTARY TO AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE MORE EFFICIENT GOVERNMENT OF THE REBEL STATES," PASSED ON THE SECOND DAY OF MARCH, EIGHTEEN HUNDRED AND SIXTY-SEVEN, AND THE ACT SUPPLEMENTARY THERETO, PASSED ON THE TWENTY-THIRD DAY OF MARCH, EIGHTEEN HUNDRED AND SIXTY-SEVEN.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to have been the true intent and meaning of the act of the second day of March, one thousand eight hundred and sixty-seven, entitled "An act to provide for the more efficient government of the rebel States," and of the act supplementary thereto, passed on the twenty-third day of March, in the year one thousand eight hundred and sixty-seven, that the governments then existing in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas, were not legal State governments; and that thereafter said governments, if continued, were to be continued subject in all respects to the military commanders of the respective districts, and to the paramount authority of Congress.

SEC. 2. *And be it further enacted*, That the commander of any district named in said act shall have power, subject to the disapproval of the General of the army of the United States, and to have effect till disapproved, whenever in the opinion of such commander the proper administration of said act shall require it, to suspend or remove from office, or from the performance of official duties and the exercise of official powers, any officer or person holding or exercising, or professing to hold or exercise, any civil or military office or duty in such district under any power, election, appointment, or authority derived from, or granted by, or claimed under, any so-called State or the government thereof, or any municipal or other division thereof; and upon such suspension or removal such commander, subject to the disapproval of the General as aforesaid, shall have power to provide from time to time for the performance of the said duties of such officer or person so suspended or removed, by the detail of some competent officer or soldier of the army, or by the appointment of some other person, to perform the same, and to fill vacancies occasioned by death, resignation, or otherwise.

SEC. 3. *And be it further enacted*, That the General of the army of the United States shall be invested with all the powers of suspension, removal, appointment, and detail granted in the preceding section to district commanders.

SEC. 4. *And be it further enacted*, That the acts of the officers of the army already done in removing in said districts, persons exercising the functions of civil officers, and appointing others in their stead, are hereby confirmed: *Provided*, That any person heretofore or hereafter appointed by any district commander to exercise the functions of any civil office, may be removed either by the military officer in command of the district, or by the General of the army. And it shall be the duty of such commander to remove from office as aforesaid all persons who are disloyal to the government of the United States, or who use their official influence in any manner to hinder, delay, prevent, or obstruct the due and proper administration of this act and the acts to which it is supplementary.

SEC. 5. *And be it further enacted*, That the boards of registration provided for in the act entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the rebel States,' passed March two, eighteen hundred and sixty-seven, and to facilitate restoration," passed March twenty-three, eighteen hundred and sixty-seven, shall have power, and it shall be their duty before allowing the registration of any person, to ascertain, upon such facts or information as they can obtain, whether such person is entitled to be registered under said act, and the oath required by said act shall not be conclusive on such question, and no person shall be registered unless such board shall decide that he is entitled thereto; and such board shall also have power to examine, under oath, (to be administered by any member of such board,) any one touching the qualification of any person claiming registration; but in every case of refusal by the board to register an applicant, and in every case of striking his name from the list as hereinafter provided, the board shall make a note or memorandum, which shall be returned with the registration list to the commanding general of the district, setting forth the grounds of such refusal or such striking from the list: *Provided*, That no person shall be disqualified as member of any board of registration by reason of race or color.

SEC. 6. *And be it further enacted*, That the true intent and meaning of the oath prescribed in said supplementary act is, (among other things,) that no person who has been a member of the Legislature of any State, or who has held any executive or judicial office in any State, whether he has taken an oath to support the Constitution of the United States or not, and whether he was holding such office at the commencement of the rebellion, or had held it before, and who has afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof, is entitled to be registered or to vote; and the words "executive or judicial office in any State" in said oath mentioned shall be construed to include all civil offices created by law for the administration of any general law of a State, or for the administration of justice.

SEC. 7. *And be it further enacted*, That the time for completing the original registration provided for in said act may, in the discretion of the commander of any district, be extended to the first day of October, eighteen hundred and sixty-seven; and the boards of registration shall have power, and it shall be their duty, commencing fourteen days prior to any election under said act, and upon reasonable public notice of the time and place thereof, to revise, for a period of five days, the registration lists, and upon being satisfied that any person not entitled thereto has been registered, to strike the name of such person from the list, and such person shall not be allowed to vote. And such board shall also, during the same period, add to such registry the names of all persons who at that time possess the qualifications required by said act who have not been already registered; and no person shall, at any time, be entitled to be registered or to vote by reason of any executive pardon or amnesty for any act or thing which, without such pardon or amnesty, would disqualify him for registration or voting.

SEC. 8. *And be it further enacted,* That section four of said last-named act shall be construed to authorize the commanding general named therein, whenever he shall deem it needful, to remove any member of a board of registration and to appoint another in his stead, and to fill any vacancy in such board.

SEC. 9. *And be it further enacted,* That all members of said boards ot registration and all persons hereafter elected or appointed to office in said military districts, under any so-called State or municipal authority, or by detail or appointment of the district commanders, shall be required to take and to subscribe the oath of office prescribed by law for officers of the United States.

SEC. 10. *And be it further enacted,* That no district commander or member of the board of registration, or any of the officers or appointees acting under them, shall be bound in his action by any opinion of any civil officer of the United States.

SEC. 11. *And be it further enacted,* That all the provisions of this act and of the acts to which this is supplementary shall be construed liberally, to the end that all the intents thereof may be fully and perfectly carried out.

SCHUYLER COLFAX,
Speaker of the House of Representatives.

B. F. WADE,
President of the Senate, pro tempore.

IN THE HOUSE OF REPRESENTATIVES, U. S.,
July 19th, 1867.

The President of the United States having returned to the House of Representatives, in which it originated, the bill entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the rebel States,' passed on the second day of March, eighteen hundred and sixty-seven, and the act supplementary thereto, passed on the twenty-third day of March, eighteen hundred and sixty-seven," with his objections thereto, the House of Representatives proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest: EDW'D. MCPHERSON,
Clerk H. R. U. S.

IN THE SENATE OF THE UNITED STATES,
July 19, 1867.

The Senate having proceeded, in pursuance of the Constitution, to reconsider the bill entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the rebel States,' passed on the second day of March, eighteen hundred and sixty-seven, and the act supplementary thereto, passed on the twenty-third day of March, eighteen hundred and sixty-seven," returned to the House of Representatives by the President of the United States, with his objections, and sent by the House of Representatives to the Senate, with the message of the President returning the bill:

Resolved, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

Attest: J. W. FORNEY,
Secretary.
By W. J. MCDONALD,
Chief Clerk.

HEADQUARTERS FOURTH MILITARY DISTRICT,

(Mississippi and Arkansas)

OFFICE OF CIVIL AFFAIRS,
VICKSBURG, MISS., September 26th, 1867.

GENERAL ORDERS
No. 31.

I. The registration of the legal voters in this Military District having been completed, in compliance with the provisions of the Act of Congress, entitled "An Act to provide for the more efficient government of the rebel States," and the Acts supplementary thereto, an election is hereby ordered to be held in the States composing the same, commencing on the first Tuesday in November next, and continuing as hereinafter prescribed, until completed, to determine whether conventions shall be held, "for the purpose of establishing constitutions and civil governments for the

States loyal to the Union," and, in case a majority of the votes cast are in favor thereof, for delegates thereto.

II. In order to secure as nearly as possible a full expression of the voice of the people, the election will be held at each precinct of every county of the States in the District and—as required by law—under the supervision of the County Boards of registration. The method of conducting the election in each county will be as follows: Immediately upon receipt of this order each Board of registrars will meet—divide the whole number of election precincts of their respective counties into three portions as nearly equal in number as possible, and assign one of the shares thus made to each registrar, who will be responsible for the proper conduct of the election therein. Thereupon each registrar will appoint a judge and clerk of election, who, with himself, will constitute the "Commissioners of election," for all the precincts of his district. Each registrar will provide himself with a ballot-box, with lock and key and of sufficient size to contain the votes of all the registered voters in his largest precinct. Each registrar will give full and timely notice throughout his district, of the day of election in each precinct, so that he, with his judge and clerk, can proceed from precinct to precinct of his district, and hold election on consecutive days—when the distance between precincts will permit—with a view to the early completion of the voting. The election will be by ballot, and will be conducted in all details, not herein prescribed, according to the customs heretofore in use in the respective States. Each ballot will have written or printed upon it: "For a Convention" or "Against a Convention," and in addition the *correct* name (or names) of the delegate (or delegates) voted for. Each voter, in offering his ballot must exhibit his certificate of registry, across the face of which the clerk of election will write his name in red ink, to indicate that a vote has been cast upon that certificate—at the same time the registrar will check off the voter's name on the precinct book, serving as the "poll book." The polls will be opened at 10 o'clock A. M., at each precinct, and will be kept continuously open until sunset, at which time the polls will be closed, the ballot-box opened, votes counted by the Commissioners and a written return thereof, under oath of the Commissioners, immediately made to these Headquarters, in duplicate. The votes cast will then be securely enclosed and forwarded by mail to the Assistant Adjutant General at these Headquarters, with a letter of transmittal, setting forth the number of votes cast for and the number against a convention, which letter will be witnessed by the deputy sheriff present in accordance with the requirements of paragraph V, of this order. (Special instructions will be given hereafter with regard to the voting of some of the more populous precincts, in which it would be difficult to take the entire vote by the above method in one day.)

III. Judges and clerks of election will be selected by registrars, preferably from among the residents of their respective districts, but if they cannot be obtained therein, competent and qualified under the law, then from among the residents of the county, and if not attainable in the county, then from the State at large; they are required to take and subscribe to the oath of office, prescribed by the Act of Congress of July 2d, 1862, which oath may be administered by the registrar. The oaths, properly subscribed, will be forwarded immediately for file in the office of the Assistant Adjutant General at these Headquarters.

The pay of these officers will be six dollars ($6) per diem, for each day they are actually employed on their legitimate duty, and their actual expenses of *transportation within their district* will be reimbursed.

IV. Commencing fourteen days before the election, Boards of registrars will, after having given reasonable public notice of the time and place thereof, revise, for a period of five days, the registration lists, and, upon being satisfied that any person not entitled thereto has been registered, will strike the name of such person from the list, and such person shall not be allowed to vote. The Boards will also during the same period, add to the registry the names of all persons, who at that time possess the qualifications required by law, and who have not been already registered. All changes made in the lists of registered voters, will be immediately reported to these Headquarters.

V. The Sheriff of each county is made responsible for the preservation of good order, and the perfect freedom of the ballot at the various election precincts in his county. To this end he will appoint a deputy—who shall be duly qualified under the laws of his State—for each precinct in the county, who will be required to be present at the place of voting during the whole time the election is being held. The said deputies will promptly and fully obey every demand, made upon their official services by the Commissioners of Election, in furtherance of good order during the election, under penalty of immediate arrest and trial by Military Commission. Sheriffs, in making their appointments, will exercise great care to select men whom they know to be in every way able to serve. The persons thus selected are *required* to accept; no excuse will be taken for failure to serve.

VI. As an additional measure for securing the purity of the election, each registrar, judge and clerk, is hereby clothed with all the functions of a civil executive officer, is empowered to make arrests, and authorized to perform all duties appertaining to such officers under the laws of the States, during the days of election.

VII. At every precinct during the election, all public bar-rooms, saloons or other places at which intoxicating or malt liquor is sold at retail, will be closed from 5 o'clock A. M. until 10 o'clock P. M. Should any infraction of this order in this respect, come to the knowledge of the Commissioners of election, or the deputy sheriff in attendance, they will immediately cause the arrest of the offending party, or parties, and the closing of his, or their, place of business. All parties so arrested will be placed under bonds, of not less than one hundred dollars ($100), to appear for trial when required by proper authority, or in case of failure to give the required bond, will be held in arrest to await the action of the General Commanding.

VIII. Should violence or fraud be perpetrated at the election in any precinct, the General Commanding will exercise to the fullest extent the powers vested in him for the prompt punishment of offenders, and the election will be held over again under the protection of United States troops.

IX. No registrar, judge or clerk will be permitted to become a candidate for office at the election for which he serves as Commissioner.

X. When the election returns are received from all the counties, the result of the election will be made known, and in case the majority of the legal votes cast are in favor of a Convention, the names of the delegates elected thereto will be officially announced, and further orders published assembling the Convention.

XI. The number of delegates to be voted for in the State of Mississippi is one hundred, apportioned among the counties as follows:

To the county of Warren—five.
To the counties of Lowndes and Hinds, each—four.
To the counties of

De Soto,	Marshall,	Monroe,	Carroll,	three each.
Noxubee,	Washington,	Yazoo,	Adams,	

To the counties of

Tippah,	Tishomingo,	Panola,	Lafayette,	two each.
Lee,	Yallobusha,	Chickasaw,	Holmes,	
Attala,	Madison,	Rankin,	Lauderdale,	
Claiborne,	Copiah,	Jefferson,	Wilkinson,	

To the counties of

Pontotoc,	Itawamba,	Tunica,	Coahoma,	one each.
Bolivar,	Tallahatchie,	Calhoun,	Sunflower,	
Winston,	Issaquena,	Neshoba,	Kemper,	
Leake,	Scott,	Newton,	Jasper,	
Clark,	Wayne,	Lawrence,	Franklin,	
Amite,	Pike,	Harrison,		

To the counties of Oktibbeha and Choctaw, together—three.
To the counties of Simpson and Covington, together—one.
To the counties of Smith and Davis, together—one.
To the counties of Marion and Hancock, together—one.
To the counties of Perry, Greene and Jackson, together—one.

In addition to the number of delegates hereinbefore apportioned to the counties of Holmes and Madison, they will, together, vote for one delegate.

The number of delegates to be voted for in the State of Arkansas is seventy-five, apportioned among the counties as follows:

To the counties of Pulaski, Jefferson and Phillips, each—four.
To the county of Hempstead—three.
To the counties of
Washington,
Columbia,
Arkansas,
Lafayette,
Union,
Prairie,
Clark,
Drew,
White,
Ouachita,
Ashley,
Independence,
two each.
To the counties of
Benton,
Little River,
Madison,
Conway,
Hot Springs,
Chicot,
St. Francis,
Lawrence,
Crawford,
Yell,
Carroll,
Van Buren,
Dallas,
Desha,
Crittenden,
Jackson,
Sebastian,
Scott,
Johnson,
Izard,
Calhoun,
Monroe,
Greene,
Sevier,
Franklin,
Pope,
Saline,
Bradley,
Woodruff,
Randolph,
one each.
To the counties of Polk and Pike, together—one.
To the counties of Montgomery and Perry, together—one.
To the counties of Newton and Marion, together—one.
To the counties of Fulton and Searcy, together—one.
To the counties of Poinsett and Cross, together—one.
To the counties of Mississippi and Craighead, together—one.

By command of Brevet Major General Ord.

O. D. Greene,
Assistant Adjutant General.

HEADQUARTERS FOURTH MILITARY DISTRICT,

(Mississippi and Arkansas)

Office of Civil Affairs,
Vicksburg, Miss., October 2d, 1867.

Circular
No. 18.

The following modifications of the method of conducting the ensuing election, as promulgated in General Orders No. 31, current series, from these Headquarters, are adopted and published to the Boards of Registrars concerned, for their guidance in the election at the following precincts, to wit: Vicksburg, Warren County, Natchez, Adams County, Columbus, Lowndes County, Jackson, Hinds County, Yazoo City, Yazoo County, Aberdeen, Monroe County, Canton, Madison County, Hernando, De Soto County, Grenada, Yallobusha County, Brandon, Rankin County, Meridian, Lauderdale County, Port Gibson, Claiborne County, and Lexington, Holmes County, all of Mississippi; and Little Rock, Pulaski County, Helena, Phillips County, of Arkansas. These precincts will be omitted from the count of the whole number of precincts to be divided amongst the registrars, as prescribed in General Orders No. 31, and each member of the respective Boards of Registrars from the counties will, with his judge and clerk, open a poll in the precinct during the election, making three (3) polls for the town. The time and places of holding such polls in the precinct, will be determined by the Board when it meets, as directed in paragraph II of General Orders No. 31, and will be selected with a view of furnishing the greatest facility to the voters in casting their votes. The election will continue during two (2) days, one day for the white voters and one for the colored, of which due notification will be given by the Boards. The clerks of election for the counties in which these precincts are situated, should be required by the registrars to make two additional copies (to be certified by the Board as correct) of the revised precinct book for use at these polls. The name of either clerk of election in the precinct, written or stamped in red ink across the face of a certificate of registry, will be the check against duplicate voting on the same certificate.

The election returns in these precincts will be consolidated by the Commissioners of election at the end of the second day's voting, and forwarded to these Headquarters.

By command of Brevet Major General ORD.

O. D. GREENE,
Assistant Adjutant General.

HEADQUARTERS FOURTH MILITARY DISTRICT,

(Mississippi and Arkansas)
OFFICE OF CIVIL AFFAIRS,
HOLLY SPRINGS, MISS., December 5th, 1867.

GENERAL ORDERS }
No. 37. }

I. At the election held in the States of Mississippi and Arkansas,—commencing on the 5th day of November, 1867, and continuing until completed,—to determine whether State Conventions should be held "for the purpose of establishing constitutions and civil governments" for those States, "loyal to the Union," and for delegates thereto, a majority of the registered voters in each of the States having voted on the question of Convention, and the number of votes cast "For a Convention" in each State, being a majority of all the votes cast therein on the question, the Conventions will be held as provided by the Act of Congress, approved March 23d, 1867.

The Hall of the House of Representatives in the State House at Jackson, Mississippi, and 11 o'clock A.M., Tuesday the 7th day of January, 1868, are designated as the place and time for the assembling of the Convention for the State of Mississippi.

The Hall of the House of Representatives in the State House at Little Rock, Arkansas, and 11 o'clock A.M., Tuesday the 7th day of January, 1868, are designated as the place and time for the assembling of the Convention for the State of Arkansas.

II. Irregularities in the conduct of the election in certain precincts of the States composing the District, having been reported to these Headquarters, and the vote in those precincts having been suspended, to await official investigation, renders it impracticable to promulgate at the present time the lists of delegates elected to the respective State Conventions, as also "the total vote in each State for and against a Convention." The lists of delegates and the total vote will be published in General Orders as soon as practicable, after they are correctly ascertained.

By command of Brevet Major General ORD.

O. D. GREENE,
Assistant Adjutant General.

HEADQUARTERS FOURTH MILITARY DISTRICT,

(Mississippi and Arkansas)

OFFICE OF CIVIL AFFAIRS,
HOLLY SPRINGS, MISS., December 21, 1867.

GENERAL ORDERS
No. 43.

I. At the election recently held in the State of Arkansas, to determine whether a Convention should be called "for the purpose of establishing a Constitution and civil government for the State, loyal to the Union," and for delegates thereto, *forty-one thousand one hundred and thirty-four* (41,134) votes were cast upon the question of holding such Convention, of which number *twenty-seven thousand five hundred and seventy-six* (27,576) votes were cast "For a Convention," and *thirteen thousand five hundred and fifty-eight* (13,558) were cast "Against a Convention." The total number of registered voters in the State is *sixty-six thousand eight hundred and five*, (66,805.) The number of votes cast on the question of Convention being in excess of the number required by the Act of Congress approved March 23d, 1867, and a majority of those votes having been cast "For a Convention," the Convention will be held and will assemble as heretofore directed in General Orders No. 37, current series, from these Headquarters, dated December 5, 1867.

II. The following delegates were duly elected to the Convention, according to the returns of the officers who conducted said election, and are hereby notified to meet in Convention as directed in the above-mentioned General Orders No. 37, current series, from these Headquarters.

From Arkansas County—two delegates:
John McClure, John H. Hutchinson.
" Ashley County—Election for delegates invalid, new election ordered.
" Bradley County—one delegate:
John M. Bradley.
" Benton County—one delegate:
W. W. Reynolds.
" Calhoun County—Election for delegates invalid, new election ordered.
" Chicot County—one delegate:
James W. Mason.
" Carroll County—one delegate:
Joseph Wright.
" Clark County—two delegates:
Solomon Exon, Miles L. Langly.
" Columbia County—two delegates:
Wm. A. Beasley, George W. McCown.
" Conway County—one delegate:
Anthony Hinkle.
" Craighead and Mississippi Counties—one delegate:
Fred. R. Poole.
" Crawford County—one delegate:
Thomas M. Bowen.
" Crittenden County—one delegate:
Asa Hodges.
" Cross and Poinsett Counties—one delegate:
Jeffre A. Houghton.
" Dallas County—one delegate:
G. H. Kyle.
" Desha County—one delegate:
Clifford Stanley Sims.
" Drew County—two delegates:
S. J. Mathews, R. G. Puntney.
" Franklin County—one delegate:
Robert Hatfield.

From Fulton and Searcy Counties—one delegate:
William A. Wyatt.
" Greene County—one delegate:
Hampton T. Allen.
" Hempstead County—three delegates:
John R. Montgomery, Solomon D. Belden, Richard Samuels.
" Hot Springs County—one delegate:
John W. Harrison.
" Jackson County—one delegate:
W. H. Pickett.
" Lawrence County—one delegate:
Bouldin Duvall.
" Little River County—one delegate:
George S. Scott.
" Lafayette County—two delegates:
Monroe E. Hawkins. (One vacancy, new election ordered.)
" Madison County—one delegate:
Francis M. Sams.
" Marion and Newton Counties—one delegate:
Parley A. Williams.
" Montgomery and Perry Counties—one delegate:
John C. Priddy.
" Monroe County—one delegate:
A. H. Evans.
" Ouachita County—two delegates:
J. P. Partis, N. N. Rawlings.
" Polk and Pike Counties—one delegate:
Elijah Kelly.
" Pope County—one delegate:
Walter W. Breashear.
" Prairie County—two delegates:
Robert S. Gannt, Wm. F. Hicks.
" Pulaski County—four delegates:
James Hinds, James L. Hodges, Thos. Johnson, Henry Rector.
" Phillips County—four delegates:
Joseph Brooks, James T. White, Thomas Smith, Wm. H. Gray.
" Randolph County—one delegate:
Ham. W. Ratcliffe.
" Saline County—one delegate:
James H. Shoppach.
" Sebastian County—one delegate:
Moses Bell.
" Scott County—one delegate:
Charles H. Oliver.

From Sevier County—one delegate:
Joseph A. Corbell.
" St. Francis County—one delegate:
Daniel Coates.
" Union County—two delegates:
Ira L. Wilson, Robert C. Van Hook.
" Van Buren County—one delegate:
Isaac Milsap.
" Washington County—two delegates:
C. W. Walker, J. M. Hoge.
" White County—two delegates:
J. N. Cypert, Thomas Owen.
" Woodruff County—one delegate:
W. H. Gray.
" Yell County—one delegate:
T. M. Rounsaville.

Delegates Elect will upon identification be furnished with official copies of this Order at the Headquarters of General C. H. SMITH, Commanding Sub-District of Arkansas, Little Rock, Arkansas, which will constitute their certificate of election.

By command of Brevet Major General ORD.

O. D. GREENE,
Assistant Adjutant General.

# SUPPLEMENTARY
# ORDERS
FROM
HEADQUARTERS FOURTH MILITARY DISTRICT,
AND
HEADQUARTERS SUB-DISTRICT OF ARKANSAS,
REGARDING CERTAIN
SPECIAL ELECTIONS
FOR MEMBERS OF THE CONVENTION.

HEADQUARTERS SUB-DISTRICT OF ARKANSAS,

LITTLE ROCK, ARKANSAS, December 21, 1867.

SPECIAL ORDERS,
No. 120.

At the recent election in Calhoun County, in this State, for a delegate to the Convention to form a State Constitution, the natural rights of electors having been materially interfered with by one of the registrars, Mr. G. Z. ADAMS, preventing a voter from casting a ballot for an anti-convention candidate on a "For Convention" ticket, and for other similar acts, the election is declared invalid so far as the election of a delegate of that county is concerned, and, by authority of Brevet Major General E. O. C. ORD, commanding the Fourth Military District, an election is hereby ordered at Hampton, the county seat of Calhoun County, on Friday, the 3d day of January next, for the purpose of electing a delegate to the Convention ordered to assemble at Little Rock, Arkansas, the 7th proximo. The election will be by ballot, and the polls will be kept open from 7 A. M. till sunset. Second Lieutenant S. C. VEDDER, 28th U. S. Infantry, is hereby appointed registrar to conduct the election, who will appoint a judge and clerk, and obtain the precinct books from the county clerk, for the purpose of holding the election. The election will be conducted and returns made in manner prescribed by General Orders No. 31, dated Headquarters 4th Military District, Vicksburg, Mississippi, September 26, 1867, in all respects, when not in conflict with this.

By command of Brevet Brigadier General C. H. SMITH, U. S. A.

SAMUEL M. MILLS,
1st Lieutenant and Adjutant 28th U. S. Infantry,
Acting Assistant Adjutant General.

HEADQUARTERS SUB-DISTRICT OF ARKANSAS,

LITTLE ROCK, ARK., December 30, 1867.

SPECIAL ORDERS }
No. 127. }

A. M. MERRICK, late registrar for Lafayette Co., having materially interfered with the revision of the list of voters, and having in other respects conducted himself in a manner disgraceful to the position he occupied and subsequently having become a candidate for delegate to the Convention, the election in that county so far as it relates to the election of A. M. MERRICK, as a delegate to the Constitutional Convention, is hereby declared invalid, and by authority of Brevt. Maj. Genl. ORD, Comdg. 4th Military District, an election is hereby ordered at Lewisville the county seat, on Friday, the 10th day of January, 1868, for the purpose of electing one delegate to the Constitutional Convention. The election will be by ballot; the polls will be kept open from 7 A. M. till sunset for one day only. FRANK H. LEE, the retained registrar, for Lafayette County, will conduct the election, appoint a judge and clerk and obtain the precinct books from the County Clerk for the purpose of holding the election. The election will be conducted and returns made in manner prescribed by General Orders No. 31, dated Headquarters 4th Military District, Vicksburg, Miss., September 26, 1867, in all respects where not in conflict with this. The reports of elections will be sent direct to Headquarters, at Holly Springs, Mississippi.

By command of Brevet Brigadier General C. H. SMITH.

S. M. MILLS,
1st Lt. & Adjt. 28th U. S. Infantry, A. A. A. G.

HEADQUARTERS FOURTH MILITARY DISTRICT,
(Mississippi and Arkansas)

HOLLY SPRINGS, MISS., January 4, 1868.

SPECIAL ORDERS }
No. 3. }

* * * * * * * * * *

II. Official information having reached the General Commanding, since the issuance of General Orders No. 43, series of 1867, from these Headquarters, announcing the names of delegates to the Constitutional Convention of Arkansas, that in the election in Ouachita County of that State, in so far as the election of delegates was concerned, frauds and illegalities were committed—that election, so far as it relates to the election of delegates, is hereby declared invalid, and another ordered, which will be conducted as follows, and in accordance with the provisions of General Orders No. 31, series of 1867, from these Headquarters:

An officer of the Army as registrar, to be detailed by the Commanding Officer of the Sub-District of Arkansas, will, with his judge and clerk of election, after seven (7) days' notice, given by handbills distributed throughout the County, open a poll at the County-seat, to be kept open on two (2) consecutive days, from 8 o'clock, A. M., to sunset of each day, at which all registered voters of the County may vote for delegates to represent them in the Constitutional Convention. The delegates previously declared elected for that County, will not be furnished with certificates of election, nor be permitted to take their seats in Convention.

* * * * * * * * * *

By command of Brevet Major General **Ord.**

O. D. **Greene,**
Assistant Adjutant General.

HEADQUARTERS FOURTH MILITARY DISTRICT,

(Mississippi and Arkansas)

Holly Springs, Miss., January 6, 1868.

Special Orders }
No. 4. }

* * * * * * * * * *

II. Upon an investigation of the complaint of irregularities in the conduct of the recent election in Ashley County, Arkansas, it appears that said irregularities were confined to "Union Precinct," alone, and, further, that if all the registered voters in that Precinct were to cast their votes as a unit on either side, the main result of the election in the County would not thereby be changed, the previous declaration in General Orders No. 43, series of 1867, from these Headquarters, invalidating said election, is hereby revoked, and the election in that County is declared valid—("Union Precinct" thrown out.) The delegates elected in that County are hereby announced as **George W Norman** and **W. D. Moore**, and they are notified to attend the Constitutional Convention in Arkansas, at the time and place specified in General Orders No. 37, from these Headquarters, dated December 5th, 1867. An official copy of this order will constitute their certificate of election.

* * * * * * * * * *

By command of Brevet Major General **Ord.**

O. D. **Greene,**
Assistant Adjutant General.

HEADQUARTERS SUB-DISTRICT OF ARKANSAS,

LITTLE ROCK, ARK., January 6, 1868.

SPECIAL ORDERS }
No. 3. }

Pursuant to telegraphic instructions received from Headquarters Fourth Military District, dated, Holly Springs, January 6, 1868, the election of GEORGE V. NORMAN and W. D. MOORE, as delegates to the Constitutional Convention for Ashley County, is hereby declared valid. They will obtain their certificates of election by calling at these Headquarters.

By command of Brevet Brigadier General C. H. SMITH.

SAMUEL M. MILLS,
1st Lt. and Adjt. 28th U. S. Infantry, A. A. A. G.

HEADQUARTERS FOURTH MILITARY DISTRICT,

(Mississippi and Arkansas)

VICKSBURG, MISS., January 23, 1868.

SPECIAL ORDERS }
No. 14. }

I. At the election held in Lafayette County, Arkansas, on the 10th instant, for a delegate to the Arkansas Constitutional Convention, in compliance with telegraphic instructions to the Commanding General of the Sub-District of Arkansas, of December 24th, 1867, from these Headquarters, A. M. MERRICK, was, according to the returns of the officers conducting the election, duly elected as said delegate.

He is therefore notified to attend the Convention to assemble at the time and place directed in General Orders No. 37, series of 1867, from these Headquarters.

The official copy of this order addressed to MR. MERRICK will constitute his certificate of election.

* * * * * * * * * *

By command of Brevet Major General ALVAN C. GILLEM.

JOHN TYLER,
First Lieutenant 43d Infantry, Brevet Major U. S. A.,
Acting Assistant Adjutant General.

HEADQUARTERS FOURTH MILITARY DISTRICT,
(Mississippi and Arkansas)
VICKSBURG, MISS., January 25, 1868.

SPECIAL ORDERS }
No. 16. }

* * * * * * * * * *

III. At the election held in Ouachita County, Arkansas, on the 17th and 18th instants, for delegates to the Arkansas Constitutional Convention in compliance with Special Orders No. 3, paragraph II, current series, from these Headquarters, J. P. PORTIS and N. N. RAWLINGS were, according to the returns of the officers conducting the election, duly elected as said delegates.

They are therefore notified to attend the Convention to assemble at the time and place directed in General Orders No. 37, series of 1867, from these Headquarters.

The official copy of this order addressed to the delegates elect will constitute their certificate of election.

* * * * * * * * * *

By command of Brevet Major General ALVAN C. GILLEM.

JOHN TYLER,
First Lieutenant 43d Infantry, Brevet Major U. S. A.,
Acting Assistant Adjutant General.

[For documents, relating to the business of the Convention, dated subsequently to the formation of the Constitution, see close of the volume.]

DEBATES AND PROCEEDINGS

OF THE

ARKANSAS CONSTITUTIONAL CONVENTION

Of 1868.

FIRST DAY.*

LITTLE ROCK, ARKANSAS,
Tuesday, January 7th, 1868.

IN pursuance of the provisions of the foregoing Act of Congress entitled "An act to provide for the more efficient government of the rebel States," passed March 2d, eighteen hundred and sixty-seven, and acts of Congress supplementary to and explanatory thereof, passed, respectively, March 23d, and July 19th, eighteen hundred and sixty-seven, and in compliance with the foregoing General Orders from Headquarters Fourth Military District (Mississippi and Arkansas), viz.: General Orders No. 37, dated "Office of Civil Affairs, Holly Springs, Miss., Dec. 5, 1867," and General Orders No. 43, dated "Office of Civil Affairs, Holly Springs, Miss., Dec. 21, 1867," delegates in the last-named Order declared duly elected to the Convention called "for the purpose of establishing," for the State of Arkansas, "a constitution, and civil government, loyal to the Union," assembled in the Hall of the House of Representatives in the State House at Little Rock, at 11 o'clock A.M., of Tuesday, the 7th day of January, 1868.

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* NOTE. The Stenographic Reporter of the Debates and Proceedings of the Convention did not commence his duties until the seventh day of the session. The report of the *debates*, prior to that time, consequently, has been compiled from such other sources of information as were available; and is not to be considered as in a strict sense official. The statement of the *action* of the Convention is in *all* cases taken from its official Journal, which is, throughout, incorporated with the Report.

At the hour above-named,

Mr. HINDS, of Pulaski County, called the delegates present to order, and, for the purpose of a temporary organization, moved that Mr. SNYDER, of Jefferson County, be called to the chair.

The nomination of Mr. SNYDER, as temporary Chairman, was agreed to by acclamation.

Mr. SNYDER, on taking the chair, expressed the hope that the deliberations of the Convention would be characterized by good feeling and harmony.

On motion of Mr. HINDS,

Rev. JOSEPH BROOKS, a delegate from Phillips County, opened the proceedings with prayer.

Mr. HODGES, of Pulaski County, moved that Mr. SARBER, of Johnson County, be selected as temporary Secretary.

The motion was agreed to; and Mr. SARBER assumed the duties of Secretary *pro tempore.*

Mr. MONTGOMERY, of Hempstead County, moved that Mr. HUTCHINSON, of Arkansas County, be selected as temporary Assistant Secretary.

The motion was agreed to; and Mr. HUTCHINSON assumed the duties of Assistant Secretary *pro tempore.*

A DELEGATE offered a resolution in substance as follows:

Resolved: That the Chair appoint a committee of five, to report upon the credentials of members.

Mr. MONTGOMERY moved, as a substitute, that the roll be called, and that members, upon the calling of their names, come forward and present their credentials.

The question was taken upon the adoption of the substitute; and the substitute was accepted.

The SECRETARY *pro tempore* proceeded to call the roll, by counties; when the following-named delegates answered to their names, and presented their certificates of election, consisting of official copies of General Orders No. 43, Headquarters Fourth Military District (Mississippi and Arkansas), dated "Office of Civil Affairs, Holly Springs, Miss., December 21, 1867," furnished from Headquarters of Brigadier General C. H. Smith, commanding Sub-District of Arkansas.

Arkansas County,
John McClure,
John H. Hutchinson.

Bradley County,
John M. Bradley.

Chicot County,
James W. Mason.

Carroll County,
Joseph Wright.

Clark County,
Solomon Exon,
Miles L. Langley.

Columbia County,
William A. Beasley,
George W. McCown.

Conway County,
Anthony Hinkle.

Craighead and Mississippi County,
Frederick R. Poole.

Crawford County,
Thomas M. Bowen.

Crittenden County,
Asa Hodges.

Dallas County,
Gayle H. Kyle.

Desha County,
Clifford Stanley Sims.

Drew County,
R. G. Puntney,
Samuel J. Matthews.

Fulton and Searcy Counties,
William A. Wyatt.

Hempstead County,
John R. Montgomery,
Solomon D. Belden,
Richard Samuels.

Hot Spring County,
John W. Harrison.

Independence County,
George W. Dale.

Johnson County,
John N. Sarber.

Jefferson County,
O. P. Snyder,
James M. Gray,
William Murphy.

Lawrence County,
Bouldin Duvall.

Lafayette County,
Monroe Hawkins.

Marion and Newton Counties,
Parley A. Williams.

Montgomery and Perry Counties,
John C. Priddy.

Monroe County,
Amos H. Evans.

Pope County,
Walter W. Brashear.

Prairie County,
R. S. Gantt,
William F. Hicks.

Pulaski County,
James L. Hodges,
James Hinds,
Henry Rector,
Thomas P. Johnson.

Phillips County,
JOSEPH BROOKS,
THOMAS SMITH,
WILLIAM H. GREY,
JAMES T. WHITE.

Saline County,
JAMES H. SHOPPACH.

Sebastian County,
MOSES BELL.

Scott County,
CHARLES H. OLIVER.

St. Francis County,
DANIEL COATES.

Union County,
R. C. VAN HOOK,
IRA L. WILSON.

Van Buren County,
JESSE MILLSAPS.

Pending the call of the roll:

Mr. GANTT (when his name was called) declined to deliver up his certificate of election to the Secretary *pro tempore*, desiring to retain it in his own possession; but with the understanding that it would be returned, consented to deposit it, temporarily, with that officer.

Fifty-one delegates, being more than two-thirds of the whole number provided for by the General Orders regulating the election and assembly of the Convention, having answered to their names, and presented their certificates of election,

The SECRETARY *pro tempore* announced that a quorum for the transaction of business was present.

Mr. CYPERT moved that the Convention adjourn to 10 o'clock, A.M., of Wednesday, January 8th. He thought it due to the members still absent, that they should be allowed a voice in the organization of the Convention. Nearly all would be present on the morrow.

The question was taken on the motion to adjourn, and the motion was not agreed to;—Ayes 11, Noes 33.

Mr. HINDS moved that the Convention now proceed to the election of permanent officers.

The question being taken, the motion was agreed to; and the Convention proceeded to the choice of permanent officers.

Mr. MONTGOMERY nominated Mr. THOMAS M. BOWEN, of Crawford County, as President of the Convention.

Mr. BRADLEY nominated Mr. GAYLE H. KYLE, of Dallas County.

Mr. KYLE said his name had been presented without any consultation with himself. He had been sick since his arrival in the city, and had been unable to mingle with the members. He felt assured that the programme had been arranged, and he did not wish to be a disorganizing element in the party. He would therefore ask the gentleman to withdraw his name. He was a humble and unpretending member of the Convention, and had come here with the sole view of helping to frame a constitution that would reflect credit and honor on the State, and bring her peace and quiet.

Mr. BRADLEY thought it his duty, under the circumstances, to withdraw the name of Mr. KYLE. He would not inaugurate anything like secession. He had nominated Mr. KYLE because of that gentleman's age, experience, his long residence in the State, and his loyalty.

Mr. McCOWN moved that Mr. BOWEN be unanimously declared President of the Convention.

Mr. GANTT nominated Mr. BOULDIN DUVALL, of Lawrence County.

Mr. MONTGOMERY rose to a point of order. The question before the Convention being upon the motion to unanimously declare Mr. BOWEN President of the Convention, the nomination of other candidates was out of order.

Mr. KYLE said it was the right of every member, pending the choice of officers, to nominate a candidate at any time.

Mr. CYPERT said that the course proposed by the motion was unjust; as in that way a majority might name their candidate and cut off any other nominations.

Mr. GANTT said he knew that the slate had been made out for all the offices; but he did not wish to go before the people as voting for the party whose nomination this motion proposed to constitute an election. There were others here, beside himself, who desired to be placed right on the record; and he insisted on being permitted, with other gentlemen of similar views, the right of casting his vote for a member who entertained kindred sentiments with himself.

Mr. McCOWN, by consent, withdrew the motion to declare unanimous the nomination of Mr. BOWEN.

Mr. DUVALL said that he had not expected a nomination for any office within the gift of the Convention; he desired none; and would prefer that his friend [Mr. GANTT] should withdraw his name.

Mr. GANTT replied, that the nomination had been made without consultation, and that he had been controlled solely by the promptings of his own heart. The gentleman he had nominated he knew to be a good and competent man, entertaining similar views with himself. He wished to vote for him, and could not accede to the gentleman's request for the withdrawal of his name.

Mr. McCLURE moved that the roll be called by counties.

The question was taken; and the motion that the roll be called by counties, was agreed to.

Mr. CYPERT protested against the method of calling the roll, ordered by the Convention, as being unusual and improper.

Mr. KYLE seconded the protest against the proceeding; and, By consent, the SECRETARY *pro tempore* proceeded to call the roll in alphabetical order, on the vote for President of the Convention; with the following result:

Whole number of votes cast,	51
Necessary to a choice,	26
Of which:	
THOMAS M. BOWEN received	43
BOULDIN DUVALL	5
GAYLE H. KYLE	2
R. S. GANTT	1

The following was the vote in detail:

For Mr. BOWEN.—Messrs. Belden, Bell, Bradley, Brashear, Brooks, Coates, Dale, Evans, Exon, Grey of Phillips, Gray of Jefferson, Harrison, Hawkins, Hinds, Hinkle, Hodges of Crittenden, Hodges of Pulaski, Hutchinson, Johnson, Kyle, Langley, Mason, Matthews, Millsaps, Montgomery, Murphy, McCown, McClure, Oliver, Poole, Priddy, Puntney, Rector, Samuels, Sarber, Sims, Smith, Snyder, Van Hook, Wilson, White, Williams, and Wyatt—43.

For Mr. DUVALL.—Messrs. Cypert, Gantt, Hicks, Shoppach, and Wright—5.

For Mr. KYLE.—Messrs. Beasley and Bowen—2.

For Mr. GANTT.—Mr. Duvall—1.

So the Hon. THOMAS M. BOWEN was elected President of the Convention.

Mr. MONTGOMERY moved that a committee of three be appointed, to conduct the President to the chair.

The question being taken, the motion was agreed to; and

The PRESIDENT *pro tempore* announced, as such Committee, Messrs. MONTGOMERY, MCCLURE, and EXON.

The PRESIDENT, on being introduced to the Convention, said: It is unnecessary for me to say I feel highly complimented; and I thank you, gentlemen, for the distinguished honor conferred. I will only say that I will do the best I can to serve you.

Mr. HODGES, of Pulaski, moved that a committee of three be appointed, to report a form of oath, to be taken by the members of the Convention.

The question being taken, the motion was agreed to; and

The PRESIDENT announced, as such Committee, Messrs. HINDS, BROOKS, and GANTT.

The PRESIDENT then announced as the business next in order, the election of a Secretary to the Convention.

Mr. HODGES, of Pulaski, nominated Mr. JOHN G. PRICE.

Mr. MCCLURE moved that Mr. PRICE be chosen Secretary, by acclamation.

Mr. CYPERT said he desired to vote for a man whom he knew, and would therefore nominate Mr. J. R. BERRY.

Mr. KYLE said he had noticed it as customary, in bodies similar to this, that members qualify under the temporary organization. It seemed, to him, proper, that before proceeding further with the organization, the necessary oath should be administered to members.

Mr. CYPERT said he did not wish to be considered annoying, but feared he would prove so. This was not a legislative body, and no oath was anywhere laid down for its members. The eligibility of every member had been established when he took an oath as a registered voter; and that fact constituted a sufficient qualification to enable him to occupy a seat here. As the presumed representatives of the sovereign people of the State, the highest authority in the land, the members of the Convention could take no oath of fealty; as they owed none to any authority below that of our Creator.

Mr. MONTGOMERY rose to a point of order. The discussion was not relevant to the question before the Convention.

The PRESIDENT declared the point of order well taken.

Mr. CYPERT explained that he had been betrayed into his remarks by his supposition that the observations of Mr. Kyle were designed as proffering an amendment to the motion before the Convention.

Mr. COATES stated that Mr. Berry did not desire the position for which he had been nominated.

Mr. CYPERT withdrew the name of Mr. Berry.

Mr. MONTGOMERY said he should insist on the motion to elect Mr. Price by acclamation.

The question was taken; and the motion was not agreed to.

The Convention proceeded to ballot for Secretary, with the following result:

Whole number of votes cast,	50
Necessary to a choice,	26
Of which	
John G. Price received	47
W. A. Briley,	2
G. A. Merrick,	1

So Mr. John G. Price was elected Secretary of the Convention.

The PRESIDENT announced, as the business next in order, the election of a First Assistant Secretary to the Convention.

Mr. SMITH nominated Mr. Henry St. John, of Bradley County.

Mr. BELL nominated Mr. J. V. Fitch, of Sebastian County.

The PRESIDENT informed the Convention, from his personal knowledge, that Mr. Fitch did not desire the position of First Assistant Secretary, his name being mentioned in connection with another office.

Mr. BELL thereupon withdrew the name of Mr. Fitch.

The Convention proceeded to ballot for First Assistant Secretary, with the following result:

Whole number of votes cast,	44
Necessary to a choice,	23

Of which

Henry St. John received,	43
William Causine,	1

So Mr. Henry St. John was elected First Assistant Secretary of the Convention.

The PRESIDENT announced the next business in order to be the election of a Second Assistant Secretary to the Convention.

Mr. BROOKS nominated Mr. F. E. Wright, of Phillips County.

The Convention proceeded to ballot for Second Assistant Secretary, with the following result:

Whole number of votes cast,	44
Necessary to a choice,	23

Of which

F. E. Wright received	44

So Mr. F. E. Wright was unanimously elected Second Assistant Secretary of the Convention.

Mr. MONTGOMERY moved to dispense with any further elections.

The question was taken; and the motion was not agreed to.

The President announced, as the next business in order, the election of a Third Assistant Secretary to the Convention.

Mr. BELL nominated Mr. J. V. Fitch, of Sebastian County.

The Convention proceeded to ballot for Third Assistant Secretary, with the following result:

Whole number of votes cast,	43
Necessary to a choice,	22

Of which

Mr. Fitch received	43

So Mr. J. V. FITCH was unanimously elected Third Assistant Secretary of the Convention.

The PRESIDENT announced, as the business next in order, the election of a Sergeant-at-Arms of the Convention.

Mr. HODGES, of Pulaski, nominated Mr. CHARLES SCHAERF, of Pulaski County.

Mr. CHARLES SCHAERF was thereupon, by acclamation, elected Sergeant-at-Arms of the Convention.

The PRESIDENT announced, as next in order, the election of a First Assistant Sergeant-at-Arms of the Convention.

Mr. D. P. BELDEN, of Hot Spring County, was, upon nomination, elected, by acclamation, First Assistant Sergeant-at-Arms of the Convention.

The PRESIDENT announced, as next in order, the election of a Second Assistant Sergeant-at-Arms of the Convention.

Mr. J. H. KIRKHAM was, upon nomination, elected, by acclamation, Second Assistant Sergeant-at-Arms of the Convention.

The PRESIDENT announced, as next in order, the election of a Doorkeeper of the Convention.

Mr. HINKLE nominated Mr. HENRY D. SEVIER, of Conway County.

Mr. HENRY D. SEVIER, of Conway County, was thereupon, by acclamation, elected Doorkeeper of the Convention.

The PRESIDENT announced, as next in order, the election of a First Assistant Doorkeeper of the Convention.

Mr. E. A. ROBINSON, of Searcy County, was, upon nomination, elected, by acclamation, First Assistant Doorkeeper of the Convention.

The PRESIDENT announced, as next in order, the election of a Second Assistant Doorkeeper of the Convention.

The following nominations were presented: JOHN AGEE, of Pulaski County; A. S. MUSTAIN, of Prairie County.

The vote being taken, *viva voce*, Mr. JOHN AGEE was elected Second Assistant Doorkeeper of the Convention.

The PRESIDENT announced, as next in order, the election of a Third Assistant Doorkeeper of the Convention.

Mr. A. S. MUSTAIN, of Prairie County, was, upon nomination, chosen Third Assistant Doorkeeper of the Convention.

The PRESIDENT announced, as the next business in order, the election of an Enrolling Clerk to the Convention.

Mr. SNYDER nominated Mr. RICHARD E. WALL, of Phillips County.

Mr. CYPERT said that four Secretaries had already been elected, and begged that the Convention would proceed to the election of no more unnecessary officers. He offered, as a substitute for the proposition to proceed to the election of an enrolling clerk,—that no further election for officers be held.

Mr. MONTGOMERY moved that the substitute be laid upon the table.

The question was taken; and the motion to lay the substitute upon the table was agreed to.

Mr. Richard E. Wall, of Phillips County, was thereupon, by acclamation, elected Enrolling Clerk of the Convention.

The PRESIDENT announced, as the next business in order, the election of a Chaplain to the Convention.

Rev. M. S. Hyde, of Independence County, was thereupon, by acclamation, elected Chaplain of the Convention.

Mr. CYPERT moved that the President appoint the Pages for the Convention.

The question being taken, the motion was agreed to; and

The PRESIDENT appointed, as Pages for the Convention, J. C. Wilcox, James Elias Rector, and J. M. Jackson, all of Pulaski County.

ACCOMMODATIONS FOR THE PRESS.

Mr. GANTT offered the following resolution:

Resolved: That the Secretary be ordered to provide the representatives of the public press of the State with desks in the hall, and that they have the privilege of the floor during the deliberations of the Convention.

The question was taken; and the resolution was adopted.

TEMPORARY RULES OF ORDER.

Mr. BROOKS moved that the rules of the Legislature of Arkansas of 1860–1 be adopted for the government of the Convention, until other rules and regulations should be prepared.

The question was taken; and the motion was agreed to.

STANDING COMMITTEES.

Mr. HODGES, of Pulaski, submitted the following resolutions:

Resolved: That the President of this Convention appoint the following standing committees, viz.: On the Constitution, its Arrangement, and Phraseology; Preamble and Bill of Rights; Legislative Department; Executive Department; Boundaries; Judicial Department; State Officers other than Executive; Organization and Government of Cities and Villages; County and Township Organization; Elective Franchise; Finance, Taxation, and Public Debt; Educational Institutions and Interests; Banking, and Corporations other than

Municipal; Exemption of Real and Personal Estate; Amending and Revising the Constitution; Internal Improvements; Impeachments, and Removals from Office; Public Property and Expenditures; Miscellaneous Provisions; Schedule; Printing; Supplies and Expenditures; Elections; Militia; Engrossment; Apportionment.

Resolved, further: That said committees be composed of not less than three, nor more than seven persons.

The question was taken; and the resolutions were adopted.

DELEGATES' OATH OF OFFICE.

Mr. HINDS, from the Committee appointed to draft a form of oath to be taken by members of the Convention, reported, as the form of such oath, the following:

"I do solemnly swear (or affirm) that I will faithfully support the Constitution of the United States, and will impartially discharge the duties incumbent upon me as a delegate to the Constitutional Convention of Arkansas, according to the best of my ability: So help me God."

The question was taken upon the adoption of the Report; and it was unanimously adopted.

ADMINISTRATION OF THE OATH.

Mr. HINDS moved that the Honorable HENRY E. CALDWELL, Judge of the District Court of the United States for the Eastern and Western Districts of Arkansas, be requested to administer to the members of the Convention, then present, the prescribed oath.

The question was taken; and the motion was agreed to. Whereupon, His Honor, Judge CALDWELL, came forward to the PRESIDENT'S desk, and administered the oath above prescribed, to the following-named members of the Convention:

Messrs. BROOKS, BELL, BRASHEAR, BELDEN, BRADLEY, BEASLEY, COATES, CYPERT, DALE, DUVALL, EVANS, EXON, GANTT, GRAY of Jefferson, GREY of Phillips, HARRISON, HAWKINS, HINDS, HINKLE, HODGES of Crittenden, HODGES of Pulaski, HUTCHINSON, JOHNSON, KYLE, LANGLEY, MASON, MATTHEWS, MILLSAPS, MONTGOMERY, MURPHY, McCOWN, McCLURE, OLIVER, POOLE, PRIDDY, PUNTNEY, RECTOR, SAMUELS, SARBER, SHOPPACH, SIMS, SMITH, SNYDER, VAN HOOK, WILSON, WHITE, WILLIAMS, WRIGHT, WYATT, and the PRESIDENT.

Mr. HODGES, of Pulaski, moved that the Convention adjourn to 10 o'clock, A.M., of the morrow.

The question was taken; and the motion was agreed to;

And thereupon, at 1.25, P.M., the Convention adjourned, to meet at 10, A.M., of Wednesday, January 8th.

SECOND DAY.

WEDNESDAY, *January 8th*, 1868.

Convention met, pursuant to adjournment, at 10, A.M.

The roll was called; and a quorum of the members of the Convention answered to their names.

In the absence of the Chaplain, and upon invitation of the PRESIDENT, prayer was offered by the Rev. Mr. BROOKS, member from Phillips.

The Journal of the preceding day was read and approved.

QUALIFICATION OF CERTAIN MEMBERS AND OF OFFICERS.

Mr. HINKLE moved that all delegates present, not already sworn, be requested to present their credentials, and receive the oath of office.

Mr. CYPERT moved to so amend as to include all officers of the Convention.

The amendment was agreed to; and the question being taken, the motion, as amended, prevailed.

The Honorable WILLIAM STORY, Judge of the Eighth Judicial Circuit, upon invitation of the PRESIDENT, proceeded to administer the prescribed oath to the following-named members of the Convention, viz.: Messrs.

GEORGE S. SCOTT, of Little River County,
F. M. SAMS, of Madison County,
JOSEPH A. CORBELL, of Sevier County,
C. W. WALKER and J. M. HOGE, of Washington County,
THOMAS OWEN, of White County,
F. A. ROUNSAVILLE, of Yell County,
Who now first appeared in their seats and presented their credentials,
And Mr. HICKS.

To the following-named officers of the Convention, Judge STORY administered the oath of office in corresponding form: Messrs. PRICE, Secretary,—ST. JOHN, First Assistant Secretary,—WRIGHT, Second Assistant Secretary,—SCHAERF, Sergeant-at-Arms,—BELDEN, First Assistant Sergeant-at-Arms,—KIRKHAM, Second Assistant Sergeant-at-Arms,—SEVIER, Doorkeeper,—ROBINSON, First Assistant Doorkeeper,—AGEE, Second Assistant Doorkeeper,—MUSTAIN, Third Assistant Doorkeeper,—and WILCOX, RECTOR, and JACKSON, Pages.

COMMITTEE ON STANDING RULES OF ORDER.

Mr. HINDS offered the following resolution:

Resolved: That a Committee of three be appointed by the Chair, on standing rules for the government of the Convention.

The question was taken; and the resolution was adopted.

The PRESIDENT announced, as such Committee, Messrs. HINDS, SIMS, and COATES.

APPOINTMENT OF POSTMASTER.

Mr. BELDEN moved that the PRESIDENT appoint a Postmaster for the Convention.

The question was taken; and the motion was agreed to.

The PRESIDENT accordingly appointed Mr. J. C. HALL, as Postmaster for the Convention.

COMMITTEE ON RELIEF FOR THE POOR OF THE STATE.

Mr. BROOKS offered the following resolution:

Resolved, That a Select Committee of three be appointed to prepare and present a Memorial to the United States Congress, asking relief for the suffering poor of the State of Arkansas.

He said that a great deal of suffering existed in the cotton-growing portions of the State, both among the whites and blacks; the means of relief, in the State itself, were limited; and humanity demanded that something should be done to alleviate the wants of the poor; or further suffering, and even starvation, must in very many cases result.

Mr. CYPERT heartily approved the object of the resolution; but proposed to modify the motion, so that the Committee be instructed to inquire into all the facts, and submit their report to the Convention. The entire body might then sign the memorial, which would thus have greater weight as representing the sentiment of the entire State.

Mr. BROOKS accepted the amendment suggested.

Mr. BRADLEY moved to amend the resolution by striking out the word "three," and inserting "seven."

The question was taken; and the amendment was agreed to.

The question was then taken on the resolution as amended; and the resolution was adopted.

The PRESIDENT accordingly announced, as the Committee on Memorial to Congress for the relief of the suffering poor of Arkansas, Messrs. BROOKS, CYPERT, RECTOR, LANGLEY, SNYDER, BELDEN, and DALE.

SUSPENSION OF STATE TAX.

Mr. HODGES, of Crittenden, offered the following resolution:

Resolved: That the Commander of the Military District be memorialized for the purpose of suspending the collection of the present State tax.

He understood there was in the State Treasury about $250,000; and there was no need of having a larger sum there. As he understood the Reconstruction Laws, it was necessary to meet the expenses of the Convention by the levy of a special tax; and therefore the money in the Treasury would not be applied to the payment of such expenses.

Mr. HODGES, of Pulaski, thought the Convention was scarcely prepared to vote at once upon the resolution.

He moved that the resolution be referred to the Committee on Finance, Taxation, and Public Debt, whenever such committee should be appointed.

The question on the motion for reference was taken, and the motion was agreed to.

NEWSPAPERS FOR MEMBERS AND OFFICERS.

Mr. HINDS offered the following resolution:

Resolved: That each member and officer of this Convention furnish to the Secretary a list of papers for which he wishes to subscribe, and that the Secretary subscribe for such papers, to be paid out of the moneys that may be appropriated to defray the expenses of the Convention: *Provided,* That no member shall be allowed more than ten daily papers, or weekly papers equivalent to that number of dailies.

The question was taken; and the resolution was adopted.

REMOVAL OF POLITICAL DISABILITIES.

Mr. HODGES, of Pulaski, offered the following resolution:

Resolved: That a Select Committee of five be appointed by the Chair, whose duty it shall be to prepare a memorial to Congress, asking that the disabilities of those citizens, in the State, who have faithfully and earnestly advocated and assisted in reconstruction, be removed, and that said Committee be instructed to receive the names of such citizens, and to embody the same in their memorial.

Mr. HINDS moved that the resolution be referred to the Committee on Memorials, whenever such Committee should be appointed.

Upon discussion,

Mr. HINDS withdrew the motion to refer.

Mr. BROOKS moved that the resolution lie upon the table.

The question was taken; and the motion to lay upon the table was agreed to.

Mr. HODGES, of Pulaski, moved that the Convention adjourn to 10 o'clock, A.M., of the morrow.

The question was taken; and the motion to adjourn was agreed to;

And thereupon, at 11, A.M., the Convention adjourned, to meet at 10, A.M., of Thursday, January 9th.

THIRD DAY.

THURSDAY, *January 9th,* 1868.

Convention met, pursuant to adjournment, at 10, A.M.

In the absence of the CHAPLAIN, and on invitation of the PRESIDENT, prayer was offered by the Rev. Mr. BEASLEY, member from Columbia.

The roll was called; and a quorum of the members of the Convention answered to their names.

The Journal of the preceding day was read and approved.

ADDITION TO COMMITTEE ON RULES OF ORDER.

Mr. HINDS, of Pulaski, moved that the number of the Committee to prepare Rules of Order for the Government of the Convention, be increased to five.

The question was taken; and the motion was agreed to.

The PRESIDENT accordingly appointed, as such additional members of the Committee, Messrs. Bell and Gantt.

QUALIFICATION OF MR. HOUGHTON.

Mr. J. A. Houghton, member for Cross and Poinsett Counties, appeared in his seat, and presented his credentials; and the oath of office was duly administered to him by the Honorable William Story, Judge of the Eighth Judicial Circuit.

EXPENSES OF THE CONVENTION.

Mr. BROOKS offered the following resolution:

Resolved: That the Committee on Finance be, and are hereby, instructed to estimate the expenses of this Convention, and to report an ordinance for the levy and collection of the necessary tax to meet such expenditure.

The question was taken; and the resolution was adopted.

TAX ON RAW COTTON.

Mr. SIMS offered the following resolutions:

Resolved: That it is the opinion of the members of this Convention, that the tax on raw cotton should be removed; that it bears heavily on the laboring classes of this State; at a time, too, when, from the almost complete failure of the crops, the very means of livelihood of the people would seem to be almost exhausted, and its continuance can only have the effect of practically prohibiting the culture of the staple during the present and succeeding years.

Resolved: That the Secretary be directed to forward a copy of this resolution to the Senate of the United States.

The question was taken; and the resolutions were adopted.

SUSPENSION OF COLLECTION OF DEBT.

Mr. BEASLEY offered the following resolution:

Resolved: That the Convention memorialize the commander of this Department to suspend the collection (by law) of all indebtedness in Arkansas, until the 1st day of January, 1869.

Mr. BROOKS moved that the resolution be referred to the Committee on Finance, Taxation, and Public Debt.

The question was taken; and the motion to refer was agreed to.

REDUCTION IN NUMBER OF OFFICERS, AND OF NEWSPAPERS FURNISHED.

Mr. CYPERT offered the following resolution:

Whereas, it is the duty of this Convention to relieve the people of this State, as far as possible, from the burdens of taxation, and to that end it should preserve a system of rigid economy; therefore be it

Resolved, 1st. That the offices of Second and Third Assistant Secretaries, Second and Third Assistant Doorkeepers, Second Assistant Sergeant-at-Arms, and Postmaster, of this Convention, be abolished.

2d. That the members only be furnished with one of each of the daily newspapers of this city, instead of ten, as now prescribed.

Mr. BROOKS moved that the resolution lie upon the table.

Mr. CYPERT thought the Convention should not act hastily where an effort was made to save the people's money. There were more officers, now, than necessity demanded. While the Convention was petitioning Congress for aid in support of the poor, it was paying salaries to officers whose services were not needed. The county courts were hardly able to support their poor; and we should not squander the people's money. He appealed to members not unceremoniously to dispose of a resolution having for its object the relief of the people from taxation.

Mr. KYLE moved, as a substitute for the motion to lay upon the table, that the resolution be referred to the Committee on Finance, that the matter might be investigated.

Mr. BROOKS withdrew his motion, in order to allow the substitute to come before the Convention. He thought that if the business could be sooner dispatched by the employment of these officers, it would be economy to employ them. The money expended for newspapers would be well invested, and the people would be thus informed of the action of the Convention upon whose doings they would soon be called to pass. He thought that one great cause of the present deplorable condition of the State, was the lack of circulation of newspapers, and want of intelligence among the people. He would oppose all changes in this respect.

Mr. CYPERT thought it was not the proper course to elect these officers in advance. He would get along with as few as possible, and add to the number as they might be demanded. Newspapers did not afford the information that the people needed. If there were fewer newspapers, and more honest men to edit them, the country would be better off. These political papers were to be employed in disseminating political dogmas, instead of useful information, and this at a heavy expense to the impoverished people of the State.

Mr. CYPERT asked for the yeas and nays.

The yeas and nays were ordered.

The question was then taken on the motion to refer; and it was decided in the affirmative,—Yeas 45, Nays 14, as follows:

YEAS: Messrs. Beasley, Belden, Bell, Brashear, Brooks, Corbell, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hodges of Pulaski, Hutchinson, Johnson, Kyle, Langley, Mason, Millsaps, Montgomery, Murphy, McClure, McCown, Oliver, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Rounsaville, Samuels, Sarber, Scott, Sims, Snyder, Wilson, White, Williams, Wyatt, and the President—45.

NAYS: Messrs. Bradley, Coates, Cypert, Duvall, Gantt, Hicks, Hoge, Matthews, Owen, Sams, Shoppach, Van Hook, Walker, and Wright—14.

So the Convention refused to refer the resolution to the Committee on Finance.

ANNOUNCEMENT OF STANDING COMMITTEES.

The PRESIDENT announced the following standing committees:

On the Constitution, its Arrangement and Phraseology.—Messrs. HODGES of Pulaski, MCCLURE, BROOKS, SIMS, WALKER, SARBER, and PORTIS.

On Preamble and Bill of Rights.—Messrs. BROOKS, HAWKINS, COATES, LANGLEY, PRIDDY, HARRISON, and VAN HOOK.

On the Legislative Department.—Messrs. SIMS, HUTCHINSON, CORBELL, EVANS, BRASHEAR, WYATT, and PICKETT.

On the Executive.—Messrs. SNYDER, MATTHEWS, WILSON, MCCLURE, SIMS, JOHNSON, and KELLY.

On Boundaries.—Messrs. BRADLEY, GRAY of Woodruff, BEASLEY, ROUNSAVILLE, WYATT, GREY of Phillips, and WILSON.

On the Judiciary.—Messrs. MONTGOMERY, MCCOWN, SNYDER, SIMS, MCCLURE, HINDS, and SAMS.

On State Officers, other than Executive.—Messrs. BRASHEAR, SIMS, BROOKS, MATTHEWS, DUVALL, HODGES of Pulaski, and WILLIAMS.

On Organization of Government of Cities and Villages.—Messrs. GREY of Phillips, ALLEN, JOHNSON, MALLORY, CORBELL, SAMUELS, and CYPERT.

On Salaries.—Messrs. MALLORY, MISNER, MCCLURE, SIMS, HUTCHINSON, and GRAY of Jefferson.

On Counties and Townships.—Messrs. OLIVER, BELL, MILLSAPS, HINKLE, HAWKINS, HOUGHTON, and LANGLEY.

On Elective Franchise.—Messrs. HINDS, GREY of Phillips, HUTCHINSON, CYPERT, EXON, HINKLE, and BRASHEAR.

On Finance, Taxation, Public Debt, and Expenditures.—Messrs. McCLURE, SCOTT, HODGES of Pulaski, POOLE, SARBER, SIMS, and MONTGOMERY.

On Education.—Messrs. HUTCHINSON, SMITH, MASON, BROOKS, GREY of Phillips, GRAY of Jefferson, and DALE.

On Banking, and Corporations other than Municipal.—Messrs. McCOWN, HODGES of Crittenden, SARBER, HOUGHTON, HATFIELD, and WILLIAMS.

On Exemption of Real and Personal Estate.—Messrs. BEASLEY, BELDEN, MURPHY, OWEN, MONTGOMERY, McCOWN, and ROUNSAVILLE.

On Amending and Revising Constitution.—Messrs. KYLE, GRAY of Jefferson, REYNOLDS, SNYDER, WYATT, BRASHEAR, SAMUELS, and WILLIAMS.

On Internal Improvements.—Messrs. SMITH, SARBER, OLIVER, BRASHEAR, BELL, MISNER, and PORTIS.

On Impeachment, and Removal from Office.—Messrs. EVANS, WHITE, SHOPPACH, PRIDDY, PUNTNEY, GANTT, and RAWLINGS.

On Miscellaneous Provisions.—Messrs. SCOTT, RATCLIFFE, ALLEN, EVANS, COATES, WHITE, and MALLORY.

On Schedule.—Messrs. MATTHEWS, HICKS, ROUNSAVILLE, PUNTNEY, HINDS, GANTT, and RECTOR.

On Printing.—Messrs. McCLURE, COATES, SARBER, HODGES of Pulaski, SIMS, and VAN HOOK.

On Supplies.—Messrs. SAMS, WRIGHT, BRADLEY, HARRISON, HAWKINS, HODGES of Crittenden, and MASON.

On Elections.—Messrs. SARBER, DALE, MALLORY, HUTCHINSON, HINDS, GANTT, and HATFIELD.

On Apportionment.—Messrs. SARBER, HODGES of Pulaski, McCLURE, SNYDER, and HINDS.

On Engrossment.—Messrs. POOLE, HOGE, COATES, EVANS, BRADLEY, and HODGES of Pulaski.

Mr. HINDS moved that a standing committee on memorials and ordinances be appointed, to consist of five members.

The question was taken; and the motion was agreed to.

The PRESIDENT announced the Committee, as follows:

On Memorials and Ordinances.—Messrs. HINDS, SNYDER, BEASLEY, KYLE, RAWLINGS, and HOLLIS.

REDUCTION IN NUMBER OF OFFICERS—RESUMED.

Mr. BRADLEY offered the following resolution:

Resolved: That the services of the officers embraced in the resolution offered by Mr. CYPERT be dispensed with until the resolution shall finally be disposed of.

A MEMBER moved that the resolution be referred to the Committee on Finance, Taxation, Public Debt, and Expenditures.

Mr. HICKS desired to be informed by what authority these offices had been created, and under what law they existed.

The PRESIDENT stated that the election of officers created the offices, and the incumbents had been selected for the reason that the Convention thought their services would be needed.

Mr. BRADLEY said he belonged to no clique or faction; and although he had been advertised in the newspapers as being a Radical, a member of the great Republican Party, he would now say that he represented no party on this floor. He had come here as the representative of a constituency of several thousand citizens, and in looking to their interests he ignored everything like party attachment. He would not participate in any hasty legislation, and would not saddle unnecessary burdens on an impoverished people. As for newspapers, he desired to be furnished with them to a reasonable extent. He protested, however, against determining the intellectual status of the people of Arkansas by their appreciation of small newspapers, made up, for the most part, of political squibs. They were chiefly bent upon accomplishing the success of party measures. When he forgot the duty he owed his constituents, and lent himself to the advancement of merely partisan schemes, he would resign his seat and tell his people to send hither a political trickster in his place. He desired to save all the money possible, that it might rather be applied to save from starvation helpless women and children, instead of being distributed among stout men who ought to be harnessed to the soil and made to work, and to add to their country's prosperity.

Mr. KYLE thought the officers might be continued; the Committee could report to-morrow, and action could be had at once.

Mr. SNYDER said that as the gentleman from Bradley [Mr. BRADLEY] seemed so solicitous to save money, he had taken the pains to make a calculation, and found that the gentleman's speech had cost the State eighteen dollars, a sum which would buy three hundred and sixty copies of a daily paper. He thought the sad condition of the people of the State was due to their lack of information in times past, a want which would to a great degree be supplied by the circulation of newspapers.

Mr. CYPERT read from the "Evening Republican" a portion of an article upon the first day's proceedings of the Convention,—characterized it as affording a meagre report, and insisted that such information was of no benefit to the people. His intention was, to lop off superfluous expenses.

Mr. HODGES, of Pulaski, said he would take but a moment of time—that sufficient time had already been occupied in discussing the matter, and a sufficient amount of the people's money thus consumed, to go far toward paying the expenses to which the gentleman objected; and that the people would be satisfied with the Convention, so far as its expenses were concerned, if it would speedily accomplish the work for which it was assembled.

Mr. BRADLEY did not wish to be understood as saying that all newspapers were corrupt, but that they were devoted mainly to promoting party purposes instead of circulating valuable information.

Mr. MONTGOMERY remarked that there were other superfluities here beside the officers; and perhaps they might all better be removed at once.

Mr. CYPERT asked for the yeas and nays on the motion to refer the resolution.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative,—Yeas 49, Nays 11; as follows:

YEAS: Messrs. Beasley, Belden, Bell, Brashear, Brooks, Coates, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hawkins, Hinds, Hinkle, Hodges of Crittenden, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Kyle, Langley, Mason, Matthews, Millsaps, Montgomery, Murphy, McCown, McClure, Oliver, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Rounsaville, Samuels, Sarber, Scott, Sims, Smith, Snyder, Van Hook, Wilson, White, Williams, Wyatt, and the President—49.

NAYS: Messrs. Bradley, Corbell, Cypert, Duvall, Gantt, Hicks, Hoge, Owen, Shoppach, Walker, and Wright—11.

So the resolution was referred to the Committee on Finance, Taxation, Public Debt, and Expenditures.

COMMITTEE ON THE PENITENTIARY.

Mr. BRADLEY offered the following resolution:

Resolved: That the President of this Convention be requested to appoint a Committee on the Penitentiary.

The question was taken; and the resolution was adopted.

QUALIFICATION OF MR. MISNER.

Mr. PETER G. MISNER, delegate from Independence County, appeared in his seat, and presented his credentials; and the prescribed oath of office was administered to him by the Honorable HENRY C. CALDWELL, Judge of the District Court of the United States for the Eastern and Western Districts of Arkansas.

STANDING RULES.

Mr. HINDS, from the Committee appointed to prepare standing rules of order for the guidance of the Convention, asked unanimous consent to introduce the Report of said Committee.

No objection being made,

Mr. HINDS, on behalf of the Committee, presented the following Standing Rules of Order:

RULE I. Two-thirds of the members sworn in shall be a quorum to transact business; but a smaller number may compel the attendance of members, and adjourn from day to day.

RULE II. Reading of minutes, and corrections.

RULE III. The President shall preserve order and decorum, and decide questions of order, subject to an appeal to the Convention. He shall have the right to name any member to perform the duties of the Chair; but substitution shall not extend beyond the hour of adjournment.

RULE IV. All motions and addresses to be made to the President.

RULE V. No motion to be debated or put unless seconded, and all to be reduced to writing if required by the President.

RULE VI. Ayes and nays to be called for by ten members.

RULE VII. President to name who has the floor.

RULE VIII. No interruptions; and on a call to order a member must sit down.

RULE IX. No conversation while a member is speaking; or passing between a member who is speaking, and the Chair.

RULE X. No reference to members' names in debate.

RULE XI. Motions can be withdrawn by mover before question is put, and amendment made; and another member may put the same.

RULE XII. All Committees to be appointed by the President, unless otherwise ordered.

RULE XIII. None to be admitted inside the bar except members and officers, without permission of the President, or on invitation of a member.

RULE XIV. The previous question shall always be in order in Convention, if seconded by a majority; and until decided, all debates and amendments shall be precluded. The question shall be put in this form: "Shall the main question be now put?" If it should be decided that the question should not be put, the main question shall still remain under consideration. If seconded, the questions will then be taken in their order, without debate.

Amendments proposed in Committee of the Whole shall be deemed pending, and in order, if called for by a member.

Rule XV. A motion to adjourn shall always be in order, and be decided without debate.

Rule XVI. In forming Committees of the Whole, the President, before leaving the chair, shall appoint a Chairman.

Rule XVII. No member shall speak more than twice to the same question, without leave, nor more than once until every other member rising to speak shall have spoken.

Rule XVIII. A motion for reconsideration shall be in order at any time, and may be moved by any member of the Convention. But the question shall not be taken on the same day, unless by unanimous consent; and, if lost, it shall not be renewed, or any vote be taken on a reconsideration a second time, unless with the consent of the Convention. If the motion to reconsider is not made on the same day, one day's notice shall be required to be given of the intention to make it.

Rule XIX. The preceding rules shall be observed in Committee of the Whole, so far as they are applicable, except so much of the seventeenth rule as restricts the speaking to more than twice.

A call for the ayes and nays for the previous question, and a motion to adjourn, shall not be applicable; but a motion for the Committee to rise shall always be in order, and shall be decided without debate. But the journal of the proceedings in committee shall be kept.

Rule XX. The President may admit such, and as many, reporters, within the bar, as he may deem proper.

Rule XXI. Any member may move a call of the Convention, and if sustained by one-third of the members present, the roll shall be called, and absent members sent for. After the roll is called, no member shall be permitted to leave the room until the report of the Sergeant-at-Arms be received, or further proceedings in the call be suspended by a vote of the majority of the members present. But this rule shall not be applicable to the Committee of the Whole.

Rule XXII. The rules of the parliamentary practice comprised in Jefferson's Manual shall govern the Convention in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of this Convention.

Rule XXIII. On the meeting of the Convention, after correcting the journal of the preceding day, the order of business shall be as follows:

1st. Presentation of Petitions.
2d. Report of Standing Committees.
Reports of Select Committees.
3d. Motions, Resolutions, and Notices.
4th. Unfinished Business of the previous day.
5th. Special Order of the day.
6th. General Order of the day.

Rule XXIV. The hour of meeting shall be 10 o'clock, A.M., on each day, Sundays excepted.

Rule XXV. No rule of the Convention shall be suspended, altered, or amended, without the concurrence of two-thirds of the members present.

Mr. CYPERT was desirous that the Report should be laid over until the next day, in order that time might be afforded for examination.

If, however, it was desired to proceed immediately in the matter, he moved that the rules, reported by the Committee, be taken up singly, and thus disposed of.

The question was taken; and the motion was agreed to.

The question being separately taken on the adoption of each of the rules, as reported by the Committee, the 1st, 2d, 3d, 4th, and 5th Rules, respectively, were adopted.

Rule VI being under consideration,

Mr. CYPERT moved to amend by striking out the word "ten," and inserting "five" in its stead.

Messrs. HOGE and CYPERT advocated the amendment.

The question was taken; and the amendment was rejected,—Ayes 20, Noes 32.

Mr. CYPERT then moved to amend by striking out the word "ten," and inserting "six" in its stead.

The question was taken; and the amendment was rejected,—Ayes 20, Noes 30.

The question was then taken on the adoption of Rule VI, as reported; and the rule was adopted.

The question being separately taken on the 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, and 19th Rules, as reported, they were, respectively, adopted.

Rule XX, as reported by the Committee, being under consideration,

Mr. CYPERT offered the following as a substitute therefor:

Rule XX. The Convention shall have power to exclude any and all reporters, upon a vote of two-thirds.

Mr. SARBER moved that the substitute be laid upon the table.

Messrs. CYPERT and BROOKS opposed the motion to lay upon the table.

Mr. BOWEN [*Mr.* Brooks *in the chair*] desired that the Convention would assume the responsibility in the matter of the exclusion of reporters, and hoped the motion to lay upon the table would be withdrawn.

Mr. SARBER withdrew the motion to lay the substitute upon the table.

The question was then taken [*the* President *in the chair*] upon the substitute offered by Mr. Cypert; and the substitute was adopted.

The question was taken separately upon the 21st, 22d, 23d, and 24th Rules, as reported; and the same were adopted.

Rule XXV, as reported, being under consideration,

Mr. CYPERT moved to amend by adding thereto the words:

"And any proposition to alter or amend these rules shall lie over one day."

Mr. BROOKS moved further to amend by striking out the words "two-thirds," and inserting in their stead the words, "a majority."

The question was taken; and the latter amendment was agreed to.

The question was then taken upon the amendment offered by Mr. CYPERT; and the amendment was agreed to.

The question was then taken upon the rule as amended; and it was adopted; so that the rule read as follows:

RULE XXV. No rule of the Convention shall be suspended, altered or amended, without the concurrence of a majority of the members present; and any proposition to alter or amend the rules shall lie over one day.

Mr. KYLE moved that the following rule be added to those reported from the Committee:

RULE XXVI. The ayes and noes shall be taken upon the passage of all Ordinances on their final reading.

The question being taken, the motion was agreed to; and the rule was adopted.

So the Convention adopted, for its government in the transaction of business, the rules as reported from the Committee, with the foregoing modifications in Rules XX and XXV, and the addition of Rule XXVI.

PRINTING OF RULES, ETC.

Mr. BROOKS offered the following resolution:

Resolved: That the Secretary shall have one hundred copies of the Rules, and Order of Business, printed for the use of the members of the Convention.

Mr. HINDS offered the following as a substitute for the resolution presented by Mr. BROOKS:

Resolved: That one hundred and fifty copies of the Rules adopted for the government of this Convention be printed in pamphlet form, together with the Standing Committees, and the names of its members, the various Reconstruction Acts, and General Order No. 37, for the use of this Convention.

The question was taken; and the substitute was adopted.

Mr. HINDS moved that the Convention adjourn.

The question was taken; and the motion was agreed to;

And thereupon, at 12.30, P.M., the Convention adjourned, under the rule, to 10, A.M., of Friday, January 10th.

FOURTH DAY.

FRIDAY, *January* 10*th*, 1868.

Convention met at 10, A.M.

In the continued absence of the Chaplain, and on invitation by the PRESIDENT, prayer was offered by Rev. MILES L. LANGLEY, member from Clark.

The roll was called; and a quorum of the members of the Convention answered to their names.

The PRESIDENT invited the Honorable LAFAYETTE GREGG, of Washington County, who was present in the lobby, to a seat within the bar of the Convention.

The Journal of the preceding day was read and approved.

QUALIFICATION OF CERTAIN MEMBERS.

Mr. W. W. REYNOLDS, delegate from Benton County, appearing in his seat,

Mr. HOGE moved that the credentials of Mr. REYNOLDS be received, and that the oath of office be administered to him.

Mr. HODGES, of Pulaski, presented a communication from Mr. L. D. TONEY, representing that he had been duly elected, by a majority of eight votes, as delegate from Izard County, over Mr. W. W. ADAMS, and asking to be admitted to a seat in the Convention. Mr. HODGES moved that Mr. TONEY also be sworn as a member of the Convention.

Mr. HOGE objected. The credentials of the claimant were not regular in form or character. It was proper that the member from Benton, whose credentials were presented in due form, should be sworn in, so as to be allowed a vote on all questions which might arise.

The PRESIDENT requested that the Convention would decide upon his qualifications to administer the oath of office to delegates.

Mr. SNYDER moved that the PRESIDENT be authorized to administer the oath of office to members.

The question was taken; and the motion was agreed to.

The prescribed oath of office was administered by the PRESIDENT to Mr. REYNOLDS, and to Mr. S. W. MALLORY, of Jefferson County, who appeared in his seat and presented his credentials.

IZARD COUNTY ELECTION.

Mr. GANTT moved that the credentials of Mr. TONEY, claimant of a seat from Izard County, be referred to a select committee, to consist of three members.

Mr. HODGES, of Pulaski, moved to amend the motion by referring the credentials to the Committee on Elections.

Mr. DUVALL thought that according to the Act of Congress under which the Convention assembled, the commanding General was alone authorized to determine as to the validity of elections; and that officer having assigned the seat to Mr. ADAMS, he doubted the authority of the Committee on Elections, or the Convention, to award the seat to any other person.

Mr. BROOKS thought the Convention was competent to determine in cases of contested elections.

Mr. DALE stated that he had had a talk with one of the Registrars, who told him that Mr. TONEY had been elected by a majority of eight votes.

Mr. CYPERT said there was no case before the Convention. No person had offered any credentials; and until the person who possessed those credentials should present them, no claims of a contestant could be considered. It would be anomalous to recognize Mr. TONEY's informal claims by referring them to the Committee on Elections. Any action, whatever, that the Convention might now take upon the subject, would be taken without so much as a shadow of authority.

Mr. KYLE said the Convention had no authority outside of that conferred by the Acts of Congress. Although it might be said that the members of the Convention were the representatives of the people acting in their highest capacity, yet it was nevertheless a fact that the body did not exist under and by virtue of the State Constitution; and its assembling was not sanctioned by the majority of the people of the State proper. He looked upon the commanding General as the sole and ultimate authority to determine the result of the elections. The decision of the General commanding could not be questioned. If Mr. ADAMS had for his credentials the certificate of the District Commander, his right to a seat could not be questioned.

Mr. WILSON considered the action of Maj. Gen. SCHOFIELD, in referring contested cases of election to the decision of the Virginia Convention, a sufficient precedent for the action proposed. The Convention, in his opinion, was the proper judge of the election and qualifications of its members; and the reference of the subject to the Committee on Elections was the proper course to be pursued.

Mr. BRADLEY thought it advisable to "make haste slowly." The case of the Virginia Convention furnished no precedent, since in the present instance there was no contest for the seat. No claimant had as yet presented any credentials. He advised that no action should be taken on the matter until Mr. ADAMS, who had been advertised, in orders from Gen. SMITH, as delegate from Izard, should arrive and claim his seat.

Mr. HICKS moved the indefinite postponement of the subject, and upon that motion asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative,—Yeas 26, Nays 34, as follows:

YEAS: Messrs. Beasley, Bell, Bradley, Cypert, Duvall, Exon, Gantt, Harrison, Hicks, Hinkle, Hodges of Crittenden, Hoge, Kyle, Matthews, Millsaps, McCown, Owen, Portis, Priddy, Puntney, Reynolds, Rounsaville, Shoppach, Van Hook, Walker, and Wright—26.

NAYS: Messrs. Belden, Brashear, Brooks, Coates, Corbell, Dale, Evans, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hinds, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Mallory, Montgomery, McClure, Oliver, Poole, Rector, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, Wilson, White, Williams, Wyatt, and the President—34.

So the Convention refused to indefinitely postpone the subject.

The question was then taken upon the motion to refer the communication of Mr. TONEY to the Committee on Elections; and the motion was agreed to,—Ayes 38, Noes 17.

COMPLETION OF COMMITTEE ON MEMORIALS AND ORDINANCES.

The PRESIDENT announced, as additional members of the Committee on Memorials and Ordinances, Messrs. RAWLINGS and HOLLIS.

APPOINTMENT OF COMMITTEE ON PENITENTIARY.

The PRESIDENT announced the Special Committee on the Penitentiary, as follows:

Messrs. McClure, Sims, Sarber, Exon, and Scott.

QUALIFICATION OF MR. HOLLIS.

Mr. William G. Hollis, delegate from Calhoun County, appeared in his seat and presented credentials; and the prescribed oath of office was administered to him by the President.

COMMITTEE ON THE PENITENTIARY—AGAIN.

Mr. CYPERT wished, with all due deference, to call the attention of the President to the fact that Mr. Bradley, who moved the appointment of the Special Committee on the Penitentiary, had not even been named upon it. Parliamentary usage required that the author of any measure looking to the appointment of a committee, should be made Chairman of such committee—certainly that he should have a place upon it. The fact of a member moving for the appointment of a committee upon a special subject, rendered it supposable that he possessed some special information in regard to the matter.

Mr. BRADLEY desired no distinction of the kind mentioned; he would be satisfied with an opportunity to discuss the reports of committees.

Mr. GANTT said that if parliamentary rules were to be set aside, and parliamentary usage ignored, for the gratification of personal ends, or private spite, the Convention might as well know it first as last.

The PRESIDENT declared the gentleman from Prairie [Mr. Gantt] to be out of order. Under the rules, the authority was given the Presiding Officer to name the members of committees. The Chair intended to appoint those gentlemen whom the Chair deemed best qualified, and should exercise that right, subject to responsibility for any errors of judgment committed.

EXPENSES OF THE CONVENTION.

Mr. McCLURE, from the Committee on Finance, Taxation, Public Debt, and Expenditures, reported the following "Ordinance, No. 1," which was read a first time:

AN ORDINANCE RAISING REVENUE FOR THE PURPOSE OF DEFRAYING EXPENSES OF CONSTITUTIONAL CONVENTION.

Be it ordained by the People of the State of Arkansas, in Convention assembled: That there is hereby levied upon the taxable property of said State, one-half of one per cent., for the purpose of defraying the expenses incurred under the provisions of an Act of Congress entitled "An Act to provide for the more efficient government of the Rebel States," passed March second, eighteen hundred and sixty-seven, and acts of Congress supplemental and amendatory thereto. And that the officers now provided by law for the collection of taxes, shall collect and pay the same into the Treasury of the State, on or before the first day of June, eighteen hundred and sixty-eight.

And be it further ordained: That the Auditor of said State is hereby directed to issue his warrant upon the Treasurer of said State, for such amounts as the President and Secretary of the Convention may certify to be due to any person or persons, for expenses or services incurred under the provisions of the aforesaid act. Upon the receipt of the warrant aforesaid, the Treasurer will issue his warrant, payable on the first day of June, one thousand eight hundred and sixty-eight, for the amount that may be due such person or persons.

All collectors of taxes shall receive the warrants of the Treasurer of said State, issued as aforesaid, in payment of the tax levied by the Ordinance, or for any taxes due to said State.

That the amount to be levied by the provisions of this Ordinance, shall be placed upon the Tax-Books for the year eighteen hundred and sixty-seven, by the officers now designated by law. And it is hereby made the duty of the Auditor of State to make the apportionment among the different counties of the State, in proportion to the valuation of taxable property in said counties.

Mr. HINDS moved to refer the ordinance to the Committee on Memorials and Ordinances.

Mr. McCLURE objected; he said if every ordinance had to go through that Committee, the sitting of the Convention would be a long one. The Ordinance had been drawn under the instructions of the Convention.

Mr. HINDS withdrew his motion, he having supposed that the ordinance had been offered by the gentleman [Mr. McClure] in his individual capacity.

Mr. CYPERT moved that the ordinance be made the special order of the day for Monday (Jan. 13th) following, and that one hundred copies be printed for the use of the members of the Convention.

Mr. HODGES, of Pulaski, said the demand for money was urgent. The Secretary had, on his own responsibility, supplied the desks of members; and his credit, acting in his official capacity, was about exhausted. The Ordinance should be considered at an early day, as money must be forthcoming.

Mr. BROOKS thought all could wait.

Mr. McCLURE replied that a tax of one per cent. had been levied in 1866, and in 1867 a tax of one-half per cent., and that there was now only $60,000 in money in the State Treasury; while $25,000 was being paid out quarterly, to meet the expenses of the State Government. $100,000 of the State funds had been invested in 10.40 bonds, which were on deposit with the Secretary of the Treasury of the United States. What funds were now in the State Treasury would be paid out in nine months, for the expenses of the State. From the Auditor's books, he estimated the entire taxable property of the State at $43,000,000; and a tax of one-half of one per cent. would yield $215,000. He was satisfied that it was out of the power of the Convention to take a cent out of the Treasury.

Mr. CYPERT only asked time to investigate the matter more thoroughly, and this could not be done before Monday.

The question was taken upon the motion to print one hundred copies of the Ordinance proposed, and to make the consideration of the same the special order for Monday following; and the motion was agreed to.

LIMITATION OF DEBATE.

Mr. HUTCHINSON moved the adoption of the following additional rule of order:

Rule XXVII. *Resolved,* That no member be allowed to occupy the floor more than twenty minutes at any one time, except by consent of two-thirds of the members present.

Mr. CYPERT said he was not, himself, long-winded, and did not think he would ever desire to speak over twenty minutes; but other members might probably require more time; and subjects would be discussed to which justice could not be done within the limits proposed.

Mr. MONTGOMERY would vote against the resolution, for the reason that he wanted some of the members to "blow off" early in the session.

Mr. BRADLEY did not desire to be put, as it were, in a strait-jacket; and although he thought it improbable that he would ever desire to speak over twenty minutes, yet he did not wish, in any case, to be cut short. He wanted everything that he and others might introduce, sifted thoroughly, and not to have ordinances rushed through in packages. Every man was making a record, here, for himself; he and his posterity must shoulder the responsibility of his acts, and he was therefore unwilling to act hastily. He and his could not pack up and leave Arkansas at a moment's notice; they were harnessed to the soil. He was not a partisan, but was acting for his constituency and the people of Arkansas, and he would make haste slowly.

Mr. HODGES, of Pulaski, expressed himself somewhat inclined to favor the resolution. He thought that if members were making sensible speeches, the Convention would not hesitate to lengthen the time.

Mr. SMITH moved that the resolution be laid upon the table.

The question was taken on the motion to lay upon the table; and the motion was agreed to.

INVITATION TO THE GOVERNOR AND SUB-DISTRICT COMMANDER.

Mr. SMITH offered the following resolution:

Resolved: That a committee of three be appointed to wait upon Governor MURPHY and General SMITH, and invite them to seats within the bar of this Convention.

The question was taken; and the resolution was adopted.

The PRESIDENT announced, as such Committee, Messrs. SMITH, BRADLEY, and COATES.

COMMITTEE ON APPORTIONMENT.

Mr. SARBER offered the following resolution:

Resolved: That the President of this Convention appoint two additional members on the Committee on Apportionment.

The question was taken; and the resolution was adopted.

ADJOURNMENT.

Mr. BROOKS moved that the Convention adjourn.

The question was taken; and, a division being called for, the number of members voting in favor of and against the motion being equal, the PRESIDENT cast his vote in the negative; so the motion to adjourn was not agreed to.

The order of business, under the rules, having then been proceeded with, and no further business being before the Convention,

Mr. GANTT moved that the Convention adjourn.

The question was taken; and the motion was agreed to;

And thereupon, at 12.45, P.M., the Convention adjourned to 10, A.M., of Saturday, January 11th.

FIFTH DAY.

SATURDAY, *January* 11*th*, 1868.

Convention met at 10, A.M.

In the continued absence of the Chaplain, and on invitation of the PRESIDENT, prayer was offered by Mr. ROBERT HATFIELD, member from Franklin.

The roll was called; and a quorum of the members of the Convention answered to their names.

The Journal of the preceding day was read and approved.

INVITATION TO THE GOVERNOR AND SUB-DISTRICT COMMANDER—AGAIN.

Mr. BRADLEY, from the Special Committee appointed to wait upon his Excellency Governor MURPHY, and upon Brig. Gen. SMITH, Commanding the Sub-District of Arkansas, to invite them to seats within the bar of the Convention, reported that the Committee had performed that duty, and that his Excellency the Governor, and Gen. SMITH, had signified their acceptance of the invitation.

ASSETS IN THE STATE TREASURY.

Mr. POOLE offered the following resolution:

Resolved: That HENRY PAGE, State Treasurer and disbursing officer of the State of Arkansas, be directed to report to this honorable body, at his earliest convenience, an accurate account of the assets of the State under his control.

The question was taken; and the resolution was adopted.

INVESTMENT OF STATE FUNDS IN U. S. BONDS.

Mr. CYPERT offered the following resolution:

Resolved: That the Custodian of the State Treasury be requested to furnish this Convention with all the information he has in relation to the investing of the $100,000 of State funds in United States bonds; under what authority it was done; and by what agency it was effected.

The question was taken; and the resolution was adopted.

ADDITION TO COMMITTEE ON THE JUDICIARY.

Mr. KYLE moved that the names of Messrs. HODGES, of Crittenden, and GANTT, be added to the Committee on the Judiciary.

The PRESIDENT stated that it would be necessary to suspend the rules, in order to bring the question before the Convention, the Committee having been appointed under a resolution limiting its number to seven.

He would add, that the Chair was well satisfied with the composition of the Committee, as it stood; and had no explanations to offer in regard to the selections which it had been thought fit to make. In the judgment of the Chair, the Committee on the Judiciary, as already constituted, comprised the best legal talent of the body.

Mr. KYLE moved that the rules be suspended.

The question was taken; and, a division being called for, the Convention refused to suspend the rules—Ayes 20, Noes 31.

ARRANGEMENT OF COMMITTEE ROOMS.

Mr. SNYDER offered the following resolution:

Resolved: That the Doorkeeper be directed to see that the committee-rooms are ready for the accommodation of the several committees of this Convention.

The question was taken; and the resolution was adopted.

Mr. SMITH moved that the Convention adjourn.

The question was taken; and the motion was agreed to;

And thereupon, at 11, A.M., the Convention adjourned to 10, A.M., of Monday, January 13th.

SIXTH DAY.

MONDAY, *January 13th*, 1868.

Convention met at 10, A. M.

In the continued absence of the Chaplain, and on invitation of the PRESIDENT, prayer was offered by Rev. J. T. WHITE, member from Phillips.

The roll was called; and a quorum of the members of the Convention answered to their names.

The Journal of Saturday was read and approved.

EXPENSES OF THE CONVENTION—RESUMED.

The PRESIDENT announced, as the special order of the day, the consideration of the Ordinance, reported from the Committee on Finance, Taxation, Public Debt, and Expenditures, entitled "An Ordinance raising Revenue for the purpose of Defraying Expenses of Constitutional Convention."

Mr. CYPERT offered, as a substitute for the Ordinance reported from the Committee, the following ["Ordinance No. 2"], which was read a first time:

AN ORDINANCE TO PROVIDE FOR THE PAYMENT OF THE EXPENSES OF THIS CONVENTION.

Be it ordained by the people of the State of Arkansas in Convention assembled, in accordance with the provisions of an Act of Congress of the United States to provide for the more efficient government of the Rebel States, &c., passed March 2d, 1867: That there is hereby levied a poll tax of one dollar upon each registered voter in this State who has been, or may hereafter be, registered under the provisions of the several Acts of Congress under which this Convention was called: and the Collectors of the public revenue of the several counties of this State shall be immediately furnished with a full and perfect list of said registered voters in their several counties, by the President of the Board of Registration for said county; and as soon as said Collectors shall receive said list, they shall proceed immediately to collect said tax, in the manner now prescribed by law for the collection of the revenue in this State.

SEC. 2. *Be it further ordained:* Said poll tax shall be collected and paid into the Treasury of the State on or by the first day of June, A. D. 1868.

SEC. 3. *Be it further enacted:* That the Auditor shall issue his warrant upon the Treasury for any and all expenses of this Convention properly certified to him, specifying that it is for expenditures of this Convention; and that the Treasurer shall thereupon issue to the holder of said warrant a Treasury note, payable on the 1st day of June, 1868, out of the funds hereby raised for the purpose of defraying the expenses of this Convention.

SEC. 4. *Be it further ordained:* That the Treasurer shall receive from said Collectors, as money, any of the aforesaid Treasury notes, in discharge of any funds due from them, raised by virtue of this Ordinance.

SEC. 5. *Be it further ordained:* That the Auditor shall not be required to issue his warrant for any claims for expenses of this Convention, other than the *per diem* of members and officers, unless the same has been audited and ordered to be paid by this Convention.

SEC. 6. *Be it further ordained:* That the several Collectors of this State shall be liable, upon their official bonds, for any defalcations or malfeasance in office in the performance of the duties herein prescribed, the same as now prescribed by law for other official duties.

Mr. McCLURE moved that the substitute offered, together with the original Ordinance reported from the Committee, be made the special order of the day for Monday, January 20th; and, further, that one hundred copies of the proposed substitute be printed.

The question was taken; and the motion was agreed to.

ELECTION OF OFFICERS BY THE LEGISLATURE.

Mr. KYLE offered the following resolution:

Resolved: That the three principal departments of government of the State of Arkansas be referred to the appropriate Committees, the Legislative, Executive, and Judicial, with instructions to the Judicial Committee to inquire into the expediency of electing by the Legislature, the following officers, to wit: Supreme and Circuit Court Judges, Chancellors (provided a separate Chancery Court system is adopted), Attorney General for the State, Prosecuting Attorney for the respective Judicial Districts, Secretary of State, Auditor, and Treasurer.

The question was taken; and the resolution was adopted.

REBUILDING OF LEVEES.

Mr. HINDS offered the following resolution:

Resolved: That a Committee of three be appointed by the Chair, to draft a memorial to Congress, setting forth the necessity for National aid in rebuilding the levees along the overflowed districts of the State.

Mr. BROOKS moved that the resolution be referred to the Committee on Memorials and Ordinances.

The question was taken; and the motion was so agreed to.

EXPENSES OF THE CONVENTION—AGAIN.

Mr. BROOKS offered the following resolution:

Resolved: That the Committee on Memorials and Ordinances be and are hereby instructed to inquire into the propriety of providing for the payment of the expenses of this Convention, out of funds now in the State Treasury, and of memorializing the Commander of this District for his approval; and report by ordinance or otherwise.

The question was taken; and the resolution was adopted.

ASSETS IN STATE TREASURY—AGAIN.

The SECRETARY read the following communication from HENRY PAGE, State Treasurer, in answer to the resolution calling for information in regard to the present assets of the State in the State Treasury:

TREASURY OF THE STATE OF ARKANSAS,
LITTLE ROCK, Jan'y 13, 1868.

The Hon. President and Members of the Constitutional Convention assembled:

MESSRS: In compliance with resolution adopted by your honorable body on the 11th, calling for an accurate report of the assets of the State under my control,

I have the honor to forward enclosed report, showing amount of assets of the State, for which I am accountable.

I enclose true copy of Protested Certificate of Special Deposit of BARNES and BROTHER, of Little Rock, showing the sum of two thousand dollars due and remaining unpaid on original certificate of ($25,000) twenty-five thousand, dated July 14th, 1866, drawn in favor of E. D. AYERS, State Treasurer State Funds; which certificate was transferred to me by my predecessor; on the receipt of which I reported the facts in the case to the General Commanding, and placed said certificate in the hands of JOHN WHYTOCK, U. S. District Attorney, with instructions to take such steps for its collection as he deemed most advantageous to the State; which he caused to be duly protested and returned to this office for safe keeping.

Very Respectfully,
Your Ob't Servant,
HENRY PAGE,
Treasurer.

SEAL OF THE
TREASURER
OF STATE.
ARKANSAS.

STATEMENT OF FUNDS ON HAND IN STATE TREASURY OF ARKANSAS, JANUARY 13, 1868.

1868.		
January 13th,	Cash on hand due County Clerks,	$143
"	" " Saline Fund,	46 14
"	" " L. R. Swamp Land Fund,	71 41
"	" " Batesville " "	17 33
"	" " Internal Improvement Fund,	324 06
"	" " Gen'l Swamp Land "	46 14
"	" " Counties,	1849 40
"	" " Gen'l Revenue U. S. C.,	62,726 29
"	Certificate of Deposit of Barnes & Brother, protested May 14th, 1867, received as cash,	2,000 00
		$67,223 77
"	10-40 U. S. Bonds, deposited with F. E. Spinner,	99,997 50
		$167,221 27

I certify that the above statement is correct.

Henry Page,
Treasurer.

SEAL OF THE
TREASURER
OF STATE.
ARKANSAS.

Accompanying the above communication, was a certified copy of the protested certificate therein mentioned.

Mr. CYPERT moved that the communication be referred to the Committee on Finance, Taxation, Public Debt, and Expenditures.

The question was taken; and the communication was so referred.

INVESTMENT OF STATE FUNDS IN U. S. BONDS—AGAIN.

The SECRETARY then read the following communication from the State Treasurer, in reply to the resolution calling for information in regard to the investment of one hundred thousand dollars of State funds in United States bonds:

Treasury of the State of Arkansas,
Little Rock, Jan'y 13th, 1868.

The Hon. President and Members of the Constitutional Convention assembled:

Messrs.: In compliance with Resolution adopted by your honorable body the 11th inst., requesting that the Custodian of the Treasury furnish the Convention all the information which he has regarding the investing of one hundred thousand dollars, State Funds, in U. S. Bonds, and under what authority it was done, and through what agency it was effected.

I have the honor to report that said investment was made in obedience to positive order of Brevt. Maj. General E. O. C. Ord, Comdg. Fourth Military District, copy of which is herewith enclosed, marked No. 1, directing that ($200,000) two hundred thousand dollars be invested in U. S. Bonds. My letter marked No. 2 urging that not more than one-half the above amount be invested, giving reasons. Letter marked No. 3, General Ord's reply, ordering that one hundred thousand dollars instead of two hundred thousand, as originally ordered, be invested; which order was obeyed without unnecessary delay.

Said bonds were purchased from F. E. Spinner, Treasurer of the United States, direct by myself, and not through any agency or banking house, and are now deposited for safe keeping in the Treasury of the United States, subject to my order countersigned by Commanding General Fourth Military District, until such time as this State shall be recognized by Congress, after which time payable to the Treasurer of the State of Arkansas. Enclosed please find copies of correspondence between Hon. F. E. Spinner, Treasurer of the U. S., Hon. Hugh McCullough, Sec'y of U. S. Treasury, and myself as Treasurer of the State of Arkansas, regarding purchase of said bonds.

Very respectfully,

Your obt. servt.,

Henry Page,

Treasurer.

SEAL OF THE
TREASURER
OF STATE.
ARKANSAS.

Temporary Headquarters Fourth Military District,
Little Rock, Ark., May 21st, 1867.

Bvt. Col. Henry Page,
A. Q. M. and Acting State Treasurer.

Sir: Please telegraph to Mr. Spinner, U. S. Treasurer, that you have two hundred thousand dollars Arkansas State funds; which you are directed by me to invest for security in U. S. Bonds. Ask the mode of doing so, and make the investment with as little delay as practicable; deposit these securities in the U. S. Treasury, taking certificates of deposit; and inform me when the business is completed. Ask General Spinner what bonds yield the best interest now, and act accordingly.

E. O. C. Ord,
Bvt. Major and Brigadier General, U. S. A.,
Commanding.

True copy.
Henry Page,
Treasurer.

HEADQUARTERS FOURTH MILITARY DISTRICT,
(Mississippi and Arkansas)
VICKSBURG, MISS., June 10th, 1867.

BREVT. COL. HENRY PAGE,
Captain and A. Q. M., U. S. V., Acting Treasurer of Arkansas.

COLONEL: If you have not invested the $200,000, Arkansas funds, in U. S. Bonds, please do so with as little delay as practicable. The 5-20—which bear 6 per cent. interest in gold, and are reported above par from 7 to 9 per centum—will be as good as any to invest in.

Make them payable to the "*Acting Treasurer of the State of Arkansas*"—*countersigned by the General Commanding the 4th Military District, until the establishment of permanent civil Government recognized by Congress; after which, payable to the Treasurer of the State.*

Please notify me of the execution of the directions contained in this letter, as soon as obeyed.

The bonds will be deposited as I directed, in the Treasury Department at Washington, and you will take certificates of deposit.

I am, respectfully,
E. O. C. ORD,
Bvt. Maj. Genl. Comdg.

True copy.
HENRY PAGE,
Treasurer.

TREASURY OF THE STATE OF ARKANSAS,
LITTLE ROCK, June 8, 1867.

MAJOR O. D. GREENE,
A. A. G. 4th Military District, VICKSBURG.

MAJOR: I have the honor to forward enclosed copies of letter and telegrams with regard to investing the surplus funds of the State in U. S. Securities.

No reply to the letter has as yet been received.

I also enclose estimate of expenses of the Provisional State, for the ensuing year.

One hundred thousand dollars is as much as in my opinion it will be expedient to invest.

I have the honor to inform the General Commanding, that steps are being taken at present by a Mr. O. F. Wilson to garnishee about one hundred and twenty-seven thousand dollars in favor of the United States, that being about the amount (principal and interest) which was in the hands of U. S. Officers in this State in the year 1861, and which was taken possession of by the so-called Confederate Government, and used for the purpose of buying arms, &c., to prosecute the rebellion.

As soon as Genl. SPINNER's answer is received, and this letter has had sufficient time to reach the General Commanding, I propose to carry out the instructions contained in his letter, left with me by the Genl. Commanding at the time he left here, May 21st.

Should anything different be desired, please telegraph me on receipt of this.

SEAL OF THE
TREASURER
OF STATE.
ARKANSAS.

Your obt. serv't,
HENRY PAGE,
Brevt. Col., A. Q. M., &c.,
Treasurer.

True copy.
HENRY PAGE,
Treasurer.

THE WESTERN UNION TELEGRAPH COMPANY.

Dated VICKSBURG, MISS., 21st, 1867.
Received at L. ROCK June 21.

To COL. HENRY PAGE,
A. Q. M.

Your letter and telegram received. Invest a hundred thousand ($100,000) dollars in 5 per centum bonds, interest payable in gold, made payable as in my letter of the tenth (10) inst. Acknowledge receipt.

E. O. C. ORD,
Brig. Genl. Comdg.

212 561 paid.

True copy.
HENRY PAGE,
Treasurer.

TREASURY OF THE STATE OF ARKANSAS,
LITTLE ROCK, May, 1867.

HON. HUGH MCCULLOUGH,
Sec'y of the Treasury, WASHINGTON, D. C.

SIR: I am directed to invest ($200,000) two hundred thousand dollars in United States Bonds.

Can I purchase them from the United States direct?

HENRY PAGE,
Brevt. Col. A. Q. M.

Copy of Telegram.
HENRY PAGE,
Treasurer.

THE WESTERN UNION TELEGRAPH COMPANY.

Dated WASHINGTON, 25th, 1867.
Received at L.ROCK, May 26th.

To HENRY PAGE,
Bvt. Col. A. Q. M.

Bonds can be purchased of the Government at the prices they sell at in New York.

H. MCCULLOUGH.

15 L. R. 585, Collect.
True copy.
HENRY PAGE,
Treasurer.

TREASURY OF THE STATE OF ARKANSAS,
LITTLE ROCK, June 24, 1867.

HON. F. E. SPINNER,
Treasurer U. S., WASHINGTON, D. C.

SIR: I have the honor to forward enclosed Certificate of Deposit in U. S. Depository (viz., Merchants' National Bank of Little Rock, Arkansas), for the sum of $100,000.

Please deposit in the U. S. Treasury a corresponding amount of Five per cent. Gold-bearing Bonds, payable to HENRY PAGE, Bt. Col. A. Q. M. & Acting Treasurer of the State of Arkansas—countersigned by the General Commanding the 4th Military District, until the establishment of permanent civil government recognized by Congress; after which, payable to the Treasurer of the State of Arkansas.

Please send me certificate of deposit.

This investment is made in obedience to instructions received from Bt. Maj. E. O. C. ORD, Com'dg 4th Military District.

Very respectfully,
Your obedient servant,
HENRY PAGE,
Bt. Col. A. Q. M. and
Treasurer.

True copy.
HENRY PAGE,
Treasurer.

THE WESTERN UNION TELEGRAPH COMPANY.

Dated WASHINGTON, D. C., 14th, 1867.
Received at LITTLE ROCK, Sept. 14.

To COL. HENRY PAGE,
Treas'r:

Invested, and statement by mail to you on ninth (9th) inst.

F. E. SPINNER.

10 L. K. 3.75, collect.

True copy.
HENRY PAGE,
Treasurer.

TREASURY OF THE UNITED STATES,
WASHINGTON, September 9th, 1867.

SIR: Your letter of the 2d instant has been received.

The money you speak of was received, the one-half here, and the other at New York. Both parcels came without a word of explanation by letter or otherwise. But as no one claimed it, I took it for granted that the two remittances of $50,000 each, constituted the $100,000 that you had written me to invest in U. S. 5 per cent. 10-40s, and hold in trust for you. I accordingly sent Mr. Van Dyck, the Asst. Treasurer at New York, the amount that came to me, to place with that received by him, and then to purchase as much of the stock named as could be had for the money. The result was, he bought $100,500. He rendered me an account as follows: $100,500 of 10-40 5 per cent. Bonds at 99½—99,997.50.

Have credited your *transfer account*, $2.50.

$100,000.

The two dollars and fifty cents is herewith enclosed you. The stocks that he sent here were in all sorts of amounts, and standing in the names of various persons. I had them transferred to me in trust for you, and now so hold as follows: Bonds 10,283, 10,284, 10,285, 10,286, 10,287, 10,288, 10,289, 10,290, 10,291, and 10,292, of $1000. each, is $100,000, and Bond 3262, of $500, making in all $100,500 in 10-40 5 per cent., under Act of March 3d, 1864. Interest payable July 1 and January 1st, at this office, in gold.

Very respectfully yours,
F. E. SPINNER,
Treas. U. S.

COL. HENRY PAGE, Treasurer Arkansas.
LITTLE ROCK, ARKS.

Copy.
HENRY PAGE,
Treasurer.

Investment of State Funds in U. S. Bonds.

TREASURY OF THE UNITED STATES,
WASHINGTON, Sept. 23, 1867.

COLONEL: Your letter of the 17th instant has been received. You state that I had informed you in my letter of the 9th instant that I had invested in U. S. 10-40 Bonds, and enclosed $2.50.

My letter of the 9th instant stated the amount invested as $100,500, and it was intended as a certificate of that fact.

As the money is invested in stocks, and held in trust for you, and is not as money in the Treasury, no certificate can be issued. You can readily see that you should not have the evidence that you have deposited $100,000 in money in the Treasury and at the same time hold Government Bonds, that were bought with this very money.

Very respectfully yours,
F. E. SPINNER,
Treas. U. S.

Copy.
HENRY PAGE,
Treasurer.

TREASURY OF THE STATE OF ARKANSAS,
LITTLE ROCK, September 2d, 1867.

HON. F. E. SPINNER, Treasurer,
WASHINGTON, D. C.

Having forwarded to your address on 24th of June the sum of $100,000 to be invested in U. S. Securities, in accordance with instructions from Bvt. Maj. Genl. E. O. C. ORD, commanding 4th Military District, with the request that said U. S. Bonds might be deposited in the Treasury of the U. S., and that a certificate of deposit for the same might be forwarded to my address.

Such certificate having not yet come to hand, I have the honor to request that it may be forwarded as required, without unnecessary delay.

I have the honor to remain,
Very respectfully,
Your obedient servant,
HENRY PAGE,
Treasurer.

TREASURY OF THE UNITED STATES,
WASHINGTON, June 10th, 1867.

COLONEL: Your letter of the 28th ultimo is this day received.

All the six per cent. stocks of the United States are now at premiums of from about six to twelve per cent.

The five per cent. stock is now a trifle below par, say 99½ per cent. This last would therefore be the most eligible, under the circumstances, for you.

I think you had better procure the draft of the bank you mention, on their correspondent in New York, which if you endorse it over to me, I will, when it is collected, invest for you, and in your official name, in such United States Stocks. When so invested I will hold them as a special deposit, subject to your order, or forward them to you, as you may elect.

Very respectfully yours,

F. E. SPINNER,
Treas. U. S.

COL. HENRY PAGE,
Treasurer of the State of Arkansas,
LITTLE ROCK, ARKS.

Mr. CYPERT moved that the communication be referred to a standing committee, to be appointed, and to be known as the Committee on Federal Relations.

Mr. HINDS moved, as a substitute, to refer the Report and accompanying documents to the Committee on Finance, Taxation, Public Debt, and Expenditures.

Mr. CYPERT argued that the motion of Mr. HINDS could not be considered as a substitute for his own.

The PRESIDENT ruled that the substitute was in order, as it disposed of a question before the Convention.

Mr. CYPERT then moved, as an amendment to the substitute, that the consideration of the subject be postponed to Wednesday, January 15th.

The question was taken; and, a division being called for, the amendment was rejected,—Ayes 17, Noes 30.

The question was then taken on the substitute, to refer the Report to the Committee on Finance, etc.; and the substitute was adopted.

COMMITTEE ON FEDERAL RELATIONS.

Mr. CYPERT moved the appointment of a standing Committee on Federal Relations.

The question was taken; and the motion was agreed to.

ADJOURNMENT.

Mr. MONTGOMERY moved that the Convention adjourn.

The question was taken; and the motion was not agreed to.

ADOPTION OF THE CONSTITUTION OF 1864.

Mr. CYPERT offered the following Ordinance, which was read a first time:

AN ORDINANCE ADOPTING A CONSTITUTION.

Whereas, during the late Rebellion, at a time when there was no organized government in the State of Arkansas in harmony with that of the United States, Abraham Lincoln, President of the United States, issued his proclamation, of date December 8th, 1863, for the formation of civil government in the insurgent States, on a basis which should accord with the allegiance due to the Government of the United States.

And whereas, under said proclamation, the present Constitution was founded by loyal representatives of the people, and the same has proved to be generally acceptable to the people, was approved by President Lincoln, and has since been recognized by every department of the General Government.

And whereas, the same is republican in form, and no material change in the same is demanded at this time by the people whom we represent.

Therefore be it ordained by the Convention of the State of Arkansas, called in pursuance of an Act of Congress, entitled "An Act for the more efficient government of the Rebel States," passed March 2d, 1867: That we do hereby cheerfully adopt, as the Constitution of the State of Arkansas, in all respects the same now in force, being that adopted on the 18th day of March, 1864; and that the same shall be submitted to the people for their ratification.

Mr. HINDS moved that the Ordinance be referred to the Special Committee on the Penitentiary.

Mr. CYPERT said this was an attempt to ridicule a serious matter. He had offered the Ordinance in good faith, and thought it a poor subject for an attempt at wit. He believed that the course he proposed would bring happiness and prosperity to the people. The Constitution of this State had been agreed to by all the people; and under it the State was on the highway to prosperity, when a department of the Government had passed an act, the preamble of which, setting forth that these States were in rebellion, was a ridiculous falsehood. The Government of the State of Arkansas had been pronounced republican by Abraham Lincoln, the "sainted martyr;" it had been framed by honest, loyal men; and now the attempt was made, by men who have no interest in the State of Arkansas—the can't stay-at-homes elsewhere—to set that Government aside. Three years only have elapsed since its establishment; and now, under the inspiration of a revolutionary political party, which sends its orders to the club-room at Little Rock, "the calf must be licked again;" and this Constitution, framed by loyal men, is to be set aside, in the name of "loyalty."

The Congress had perjured itself by legislating outside of the Constitution; and the members of this Convention, having sworn but lately to support that Constitution, could not conform to the demand. The highest judicial authority in the land has decided that the negro cannot be a citizen. If these military governments, and the arbitrary measures of Congress, were designed to punish rebels, they were unconstitutional, as that must be done according to law. He claimed to be a friend of the negro; he had been a Bureau agent for a while, and had always been desirous of advancing the interests of this unfortunate race. He saw a member [Mr. Brooks] smile sneeringly at him when he made this assertion of friendship. The member could afford to sneer; for when trouble should come upon the State, he could take his carpet-sack and go back to Iowa, whence he came. For himself, his destiny was with Arkansas; and he could not take up his carpet-sack and leave, if the country should be ruined by Radicalism, as he firmly believed it would be. He had been in the South all his life. He knew the negro in all his attributes. That their people were now misled, he appealed to the negro members present.

Mr. BROOKS interrupted, to rise to a point of order. It was disrespectful to style gentlemen of the Convention, negroes.

Mr. GREY, of Phillips, said he took no objections to the appellation. His race was closely allied to the race which built the great Pyramids of Egypt, where slept the remains of those whose learning had taught Solon and Lycurgus to frame the systems of their laws, and to whom the present ages are indebted for the hints of art and knowledge.

A point of order having been raised as to the propriety of a phrase in which Mr. Cypert, in his remarks, had referred to Mr. Grey, of Phillips,

The PRESIDENT ruled that when there were two or more members of the Convention from the same county, they should be addressed, respectively, as Mr. ———, from ——— County.

Mr. CYPERT resumed.—He had intended no disrespect; and if any had been shown, he was willing to retract it. He entertained respect for the member in question, and would treat him with all the courtesy due their comparative positions in society. He had spoken of him as a negro, because he was such. He would yield to the rules of the body.

He continued: There were many gentlemen present with whom he had long been associated; he knew they must admit his sincerity. Seven years ago, from the same place, he had portrayed the ruin and desolation which must follow secession; he had done all in his power to avert that fatal step, but the effort had failed: with the same foresight he felt assured that desolation and ruin must follow the rule of Radicalism. He disclaimed any wish to cause aggravation to members of the Convention, or to seek personal controversy with any one. He had been denounced by gentlemen on the other side of the house, as a political trickster; but all that he had said or done, was done with the view of endeavoring to render respectable the proceedings of the body. He would appeal to the Arkansas men in the Convention, to put themselves right upon the record, against any change in a form of government which suited the people. The present Constitution of Arkansas was as republican as that of Ohio. If this was no legal government, by what authority did the gentleman from Pulaski [Mr. HODGES] keep prisoners confined in the Penitentiary? He appealed to that gentleman to say whether he had not prospered under that Constitution. Was the contract for the labor of the prisoners in the Penitentiary, made by an illegal Legislature, acting under a constitution null and void? Under that Constitution, men had been arrested for crime, had been held, tried, acquitted or condemned. Under that Constitution Arkansas was a State, and had, within her own borders, exercised all the prerogatives of a State. It had been so recognized by the United States. The writs issued by the United States Marshal of the District are therein recited to be issued in the State of Arkansas. The Congress of the United States has recognized Arkansas as a State, in declaring it to constitute a portion of a judicial circuit. Why, then, set to work to frame a constitution not in consonance with the Constitution of the Unied States, but with the demand of Congress alone,—a demand unauthorized by that instrument, and made in violation of its provisions?

A gentleman [Mr. HINDS] had attempted to make a mere trifle of the present proposed Ordinance, by referring it to the Committee on the Penitentiary; but to turn into ridicule that which appeals to the conscience of men, would not always do, as gentlemen might yet live to learn. He trusted that gentleman did not aspire to be the stirrer up of strife in the Convention. He wished to see the Convention place itself upon the record, on this question. He asked the gentleman to withdraw the motion for the reference, and that the Ordinance might be disposed of directly, by its adoption or rejection. Let gentlemen meet this serious question seriously and fairly; let ridicule, and jeers, and spite, be laid aside; and let members come up and squarely meet the issue.

Under the present Constitution, every department of the State Government had prospered, yet Arkansas to-day presented the strange anomaly of a recognized State, controlled by military force. Was this republican? Was there any present rebellion? Did armed opposition to the Government exist in any county of the State? White County, which had been one of the most rebellious in Arkansas, was to-day the strong and earnest supporter of the National Government. The Sheriff of the County was a staunch Union man; a man, too, as highly and universally respected as any man within the County limits.

The people desired to remain under a State Government which they knew something about. He appealed to the Convention not to force upon the State a measure which the people of Ohio, of Kansas, of Minnesota, had rejected. He was willing to live under the same laws as the people of the North. The Constitution of Arkansas was closely similar to that of Ohio—let her have that Constitution.

Mr. MONTGOMERY.—The gentleman from Tennessee is out of order. He will please confine himself to the subject.

Mr. CYPERT replied, that he had been a citizen of Arkansas for seventeen years; and that he came hither from Tennessee, not as a soldier, but as a matter of choice, here to make his home. He had committed no crime, and done no act, which would prevent his return to Tennessee, or his recognition there, by his former neighbors, as a gentleman. It was because he had a family here, and must be identified with the future of Arkansas, that he was solicitous as to the form of government which she was to have.

He was glad that the rebellion had been crushed. He was glad that the negro was free. But while he would have the negroes protected, as they now are by law, in all their just rights, he could never consent to see them entrusted with the elective franchise, and made the rulers of white men. The negro had his rights guarded as sacredly as the whites. The elective franchise was not a universal right, but a class right. For God's sake let it so continue. That it should thus remain, the North has decided, for itself. Let us do so here. Congress has no power to compel us to do otherwise.

He repeated the request that the Convention would meet the question squarely.

Mr. GREY, of Phillips, said, in substance:

I must confess my surprise at the action of the gentleman from White County [Mr. Cypert]. I am here as the representative of a portion of the citizens of Arkansas, whose rights are not secured by the Ordinance offered by the gentleman from White,—men, sir, who have stood by the Government and the old flag in times of trouble, when the republic trembled with the throes of civil war, from centre to circumference, from base to cope. From this and other considerations we are here not to ask charity at the hands of this honorable body, but to receive at the hands of the people of Arkansas, in Convention assembled, the apportionment of our rights, as assigned by the Reconstruction Acts of Congress. I am here, sir, to see those rights of citizenship engrafted upon the organic law of this State. The gentleman from White does not seem to recognize the fact that the present Constitution is not in accordance with the Constitution of the United States, guaranteeing to each State a republican form of government. The gentleman from White says the negro cannot become a citizen. The fact is patent, that we have exercised the rights of citizenship, under the Constitution, in all the States except South Carolina, and that we voted for that time-honored instrument—the Federal Constitution, —by voting for the men that ratified it. As free men we were not denied the right of suffrage under the State laws, on account of color. It seems as though the gentleman has read the history of our country to little purpose, or at least not as I have. Some of the States retained their original charters under the Articles of Confederation, and under those charters became members of the United States Government. Justice Curtis, in his opinion delivered upon the opinion of Chief Justice Taney, in the Dred Scott case [I take the following extract from Greeley's American Conflict, for want of original document], says:

> "To determine whether any free persons, descended from Africans held in slavery, were citizens of the United States under the Confederation, and, consequently, at the time of the adoption of the Constitution of the United States, it is only necessary to know whether such persons were citizens of either of the States under the Confederation, at the time of the adoption of the Constitution. Of this there can be no doubt. At the time of the ratification of the Articles of Confederation, all free, native-born inhabitants of the States of New Hampshire, Massachusetts, New York, New Jersey, and North Carolina, though descendants from African slaves, were not only citizens of those States, but such of them as had the other necessary qualifications possessed the franchise of electors on equal terms with other citizens."

Before the Revolution, all native-born free persons were British subjects, and hence citizens, as the British Government did not base allegiance or citizenship on color or complexion. Hence we passed from British subjects to American citizens, without changing our relative status as to citizenship.

This, I think, disposes of the assertion that we cannot be citizens under the Constitution; but, sir, I claim that it is ours, not only on Constitutional grounds, according to the rulings of distinguished and incorruptible American jurists, but ours by right of purchase on the numerous battle-fields of our country; it is ours because, from the Revolution down to and through the Rebellion, we have stood unswervingly by our country and the flag. We fought for liberty. That liberty cannot be secured to us without the right of suffrage. The Government owes the debt, acknowledges it, and apportions it out among the several States. We are here, sir, to receive the amount due us from the State of Arkansas. Pay us, sir, the rights and privileges due us as citizens of the United States and the State of Arkansas, and we are content.

The Constitution of the State of Arkansas—which the gentleman wished adopted, as suitable to the condition of the people of Arkansas—does not even permit negroes, mulattoes, etc., to come within the limits of the State, except by military authority. Under that clause, every free person of color would be immediately driven out, on the removal of the military.

The gentleman wishes to call the yeas and nays. I am ready and willing to meet the issue.

Again, the gentleman denies us the right of suffrage, on the ground of our ignorance. Why, sir, every negro vote registered in this State I can duplicate with the vote of a white man that can neither read nor write; and still we are charged with ignorance. I do not deny it, but we are not isolated in that respect. If these men can vote, I see no injustice in permitting us to vote also. And in this connection, I would say that the colored people of this State met in convention, in this city, in 1865, for the purpose of considering their condition and prospects, and then asked simply for the most remote recognition of their rights, but it was unheeded. I then said that I had an unshaken confidence in the eventual justice of the American people. Since then we have crossed the Rubicon, as a nation, and cannot recede if we would. But, sir, for the purpose of showing that we are not the only ignorant people in this country, I will read a few extracts from a speech of Judge Kelley, delivered in the House of Representatives, January 31st, 1866. He takes the following extract from an address delivered by Governor Hammond, before the South Carolina Institute, in 1850. Said he:

> "They" [speaking of the poor class of whites] "obtain a precarious subsistence by occasional jobs, by hunting, by fishing, by plundering fields or folds, and too often by what is, in its effects, far worse—trading with slaves, and seducing them to plunder for their benefit."

William Gregg, Esq., addressing the same Institute, in 1851, said:

> "From the best estimate that I have been able to make, I put down the white people, who ought to work, and who do not, or who are so employed as to be wholly unproductive to the State, at one hundred and twenty-five thousand."

The Hon. J. H. Lumpkin, of Georgia, in a paper on the industrial regeneration of the South, published in 1852, used the following language in relation to this class of citizens. He said:

> "But I am by no means ready to concede that our poor, degraded, half fed, half clothed and ignorant population, without Sabbath schools or any other kind of instruction, mental or moral, or without any just appreciation of character, will be injured by giving them employment which will bring them under the oversight of employers, who will inspire them with self-respect, by taking an interest in their welfare."

Now, sir, I ask the honorable members of this body if we cannot exercise the rights of franchise as intelligently as these men. What advantage have they over us? Surely not that of intelligence, which the gentleman claims. We are ignorant, it is true, but not alone in that ignorance. And if, as Jefferson, I think, says, a man's ignorance is no measure of his rights,—admitting the fact, that does not constitute a reason why we should not receive what is ours by right, both natural and acquired; unless, indeed, we proceed upon the principles established by Mr. Helper,—that we have no right to interfere in the affairs of this country, either public or private, because, as he says, we did not come to this country of our own free will, but came hatless, shoeless, coatless, shirtless, and virtueless,—that we paid no money or precious stones, etc., for our passage. Grant the argument. When we look over the broad expanse of this great country, we can but admit that we have borrowed largely, almost to the despoiling of our neighbors, not only of the outward signs of civilization, but the virtues of manhood and womanhood, and even the best blood that flows in their veins. Can any one doubt that we have borrowed thus largely, even in a moral point of view. Let him refer to the frequency of men being found with oaths in their pockets, solemnly sustaining both sides of the recent great struggle. What a depth of moral depravity! "O, Tell it not in Gath, publish it not in the streets of Askelon!"

These gentlemen tell us that they are willing to give us our rights in the courts. I would respectfully decline the offer, on the ground that the leading men of the South have failed to maintain the rights of the poorer masses of the white people. Who can doubt that ignorance led them into the rebellion against their Government, which had provided means to educate and enlighten them? But their leading men failed to secure to them those rights and privileges. The gentleman should remember that we only ask those rights and privileges pertaining to American citizenship. Under the opinion of Attorney-General Bates, having been born in this country, we are citizens of this country. This is our home. Here where we have suffered, where we have reared our children, and where lie the bones of our fathers—here where the whitened bones of forty thousand slain attest our affection for our home and country—here, sir, will we remain, and continue to ask for those rights and privileges that are ours, by every means that man can use,—by patient fidelity and patriotic heroism.

We are told that a republican form of government must rest upon the intelligence and virtue of the masses, and that we have not those qualifications. They are qualities that are at least susceptible of improvement in other races of men, and not largely displayed when the Huns, Vandals, and other tribes were laying waste the fair fields of Italy, or when the Danes and Normans were making sad havoc of your ancestral estates. Our condition would compare favorably with that of England, as described by Macaulay, at the time of the conquest of the island by the legions of Cæsar; when, he says, the condition of the people was little better than that of the Sandwich Islanders. We are not far behind those who sold civilized women, along the banks of the James, for two hundred pounds of tobacco, or less. Nor has our intelligence, even in a barbarous state, been much below the level of those who ate the acorns falling from the lofty oaks of Dodona, and worshipped the tree from which they fell. The Saxon civilization of the nineteenth century is the product of eight hundred years; and with this start ahead, with all the wealth, intelligence, and power, and prestige of this great Government, men pretend to believe that they are afraid of negro domination,—afraid that four millions of negroes, scattered over this vast country, will rule thirty millions of intelligent white people! They cannot believe it. They are endeavoring to work on the prejudice of the masses, to produce outrage and bloodshed, and, if possible, what they pretend to deprecate, a war of races. But, sir, this I do not fear, so long as we are led by the best minds of the nation, and count in our ranks those distinguished men, of both sections, whose gleaming swords were seen flashing on many a skirmish line, and in the smoke of battle.

The gentleman says that, by the decision of the highest judicial tribunal, we are not citizens. That decision, sir, travelled outside of the Constitution, outside of American history, outside of the precincts of the courts; and hence I regard Chief Justice Taney as the American Jeffries. Could I afford to trust my dearest rights in the hands of men who hold up such a decision as the measure of my rights, and at the same time profess to be my best friends? I beg respectfully to decline such friendship! Men who are willing to consign us to a system of peonage worse than slavery, a system that strips us of every right or privilege, and turns us, bound hand and foot, over to the tender mercies of mob law. Under a decision of the Supreme Court, that says "negroes have no rights that white men are bound to respect," and with a knowledge of this fact, the gentleman claims to be my "best friend," and says that he is willing that I should be protected in my rights. Why, sir, we made a great mistake in being represented by proxy when the Constitution was framed. We propose to remedy that mistake, in reorganizing this State Government, by being present *in propria persona;* and then when the question shall arise as to the definition of "we, the people," look on the votes of the Convention framing the instrument, and you will find the name of "Grey (negro), from Phillips," and that will solve the problem at once. You need not fear negro domination. Give us our rights as citizens before the law, the right of trial by a jury of our peers,—admit us into the *sanctum sanctorum* of justice—the jury box,—give us a fair show in the courts. The idea of giving a negro justice, in a court where the judge has sucked the milk of prejudice from his mother's breast, where the lawyers, though they may be the most thorough radicals extant, honestly believe me immeasurably their inferiors, and the jurors there assembled are imbued with the animus of a majority of the court in the case of Dred Scott, and do not believe that I have any right to be protected from the encroachments of that class looked upon as my superiors! Give us the right of suffrage; establish a school system that will give us opportunities to educate our children; leave ajar the door that leads to peace and power; and if by the next generation we do not place ourselves beyond the reach of mortal man, why, then take them away from us if not exercised properly. But, sir, we have no fears of failing to secure those rights. We may be weak within ourselves, but liberty and justice must eventually prevail.

"Truth, crushed to earth, will rise again,
The eternal years of God are hers."

This movement may be retarded, but cannot be rolled back upon itself. We may wait and suffer; but the time cannot be far distant when we shall rise, phœnix-like, from our ashes, to the full development of manhood rights. There can be nothing gained by delay, for the struggle will go on until those rights are secured to us. Man cannot prevent, for God has written it in burning characters across the pages of American history—emblazoned it as upon a sign-board, and hung it on the brows of the Rocky Mountains,—"This is the asylum for the oppressed of all nations and all peoples." This is according to the original contract, drawn up by the patriotic men of the Revolution; and I believe they were honest, when they declared that "all men are created equal." I believe the hand of an angel guided the pen that wrote those words, and that they were recorded in heaven. God intends you shall keep the original contract. The acting in bad faith, by the children of those good men, has cost the country a million lives—the flower of the land,—and untold sums of wealth. I believe He intends to demand its fulfilment now; and I plant myself upon the Declaration of Independence and the Constitution, as defined by the framers of those documents and expounded by the leading men of that period, and claim that they secure me my rights, if honestly and faithfully executed.

Settle once and forever the question of human rights, by giving us equality before the law. Then, and not till then, will peace come to our borders. Until that is done, capital will not seek investment within our limits, nor will immigration flow to a State that continues to oppress and crush the laborer. Arkansas has tried it for thirty years, and she is still, comparatively, a vast forest. With an extent of territory sufficient for an empire, stretching from Missouri on the north to Louisiana and Texas on the south, from the Cherokee Territory on the west to where her eastern front looks out upon the Father of Waters; with internal streams sufficiently navigable to bear the commerce of an empire to the sea; she has been thirty years a State, and has not a railroad worth the name, no means of intercommunication except that employed in a bygone age,—not a respectable school-house,—and her primeval forests still keep silent guard along her watercourses. And why? Because her soil was desecrated by slavery. It was here this Moloch of the nineteenth century reared his altars and sacrificed his human victims. God has removed the idol and shattered the altars; and those that opposed it, like the devotees that threw themselves before the Hindoo car of Juggernaut, will be crushed beneath the progress of the age. With a salubrious climate, a soil whose fertility is unsurpassed, there is nothing needed but a government irrevocably committed to freedom and universal liberty, and all will be well. We have given an undeniable proof of our intelligent use of the franchise, by voting solid, *en masse*, for the men that stand by our rights; and that, too, in the face of having the very bread taken from the mouths of our wives and children, and in opposition to the weight of wealth and intelligence thrown in the scale against us. And at this late day is it possible to find a gentleman who will deny representation to one hundred and eleven thousand of the people of Arkansas?

I belong, perhaps, to the class of adventurers spoken of. Born in old Virginia, I came to Arkansas believing that under that clause in the Constitution of the United States that guarantees to the citizens of each State the rights, privileges, and immunities of the citizens of the several States, I have about as much right here as anybody else; and besides this, I regarded the State of Arkansas as a sort of common property, being a part of the Louisiana purchase, for which the people of these United States paid some fifteen millions of money. Now, sir, I think it no great trespass to adventure upon common territory. The gentleman would, doubtless, have objected to the Saviour, on the ground of his not having possessed worldly wealth, or his failure to locate a farm somewhere within the land of Judea.

The gentleman need not fear but the negro will vote for his rights all the time. We have everything at stake that makes life a blessing; and we can only vote for those men who will nail negro suffrage to their mastheads; and wherever we see their white plumes advancing in the smoke of this political contest, we will follow in a solid phalanx. I have no antipathy against the white people of this country, and am not surprised at their strenuous opposition. History repeats itself: they have been as hard on men of their own race, when struggling for their own freedom. The noblesse of England,—the cavaliers,—had as little use for the clouted yeomanry and puritanic followers of Cromwell, as these gentlemen have for us. But time has a softening influence on all human prejudices. I am willing to forget the past, and to wrap the winding-sheet of oblivion over the sod that contains the bones of my wronged and oppressed ancestors, for two hundred and fifty years. O, disturb not the sacred sarcophagus that contains the bitter, bitter memories of the past;—we await the Judgment Day. Give us the franchise, the right to protect ourselves, our wives, and children, and we are content. We are warned of the reaction in the North. I think, sir, if the question of negro suffrage had been stripped of deserters' bills, woman suffrage, and everything that could be found that was unpopular, it would have been adopted; and even carrying this weight, we obtained the largest vote, upon the subject, ever polled in Ohio. But, at the same time, I do not blame the people of the North for rejecting it. It was their proposition to the South, and we had no right to place them in the position of the conquered, instead of the conquerors. Strip the question of all outside issues; let the people know that we do not wish white men to make themselves the pedestals upon which to place black statues, or to elevate the negro into office. We desire simply the means and incentives to industry and education. We will carry them triumphantly from the snow-capped hills of New England, to where the dark-eyed daughters of the sunny South bathe their tiny feet in the tepid waters of the Gulf of Mexico.

Mr. BROOKS obtained the floor, and said he would move an adjournment, with the understanding that he would be allowed the floor to-morrow morning. He moved to adjourn.

The question was taken; and the motion was agreed to;

And thereupon, at 1, P.M., the Convention adjourned to 10, A.M., of Tuesday, January 14th.

SEVENTH DAY.*

TUESDAY, *January 14th,* 1868.

Convention met at 10, A.M.

In the continued absence of the Chaplain, and on invitation by the PRESIDENT, prayer was offered by the Rev. Mr. BEASLEY, delegate from Columbia.

The roll was called, and a quorum of the members of the Convention answered to their names.

The Journal of yesterday was read and approved.

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* The stenographic report of the debates of the Convention commences with the proceedings of this day.

APPOINTMENT OF COMMITTEE ON FEDERAL RELATIONS.

The PRESIDENT announced the Standing Committee on Federal Relations, as follows: Messrs. **Hodges**, of Crittenden, **Cypert**, **Hutchinson**, **Murphy**, **Snyder**, **Scott**, and **Hodges**, of Pulaski.

ADOPTION OF THE CONSTITUTION OF 1864—RESUMED.

The unfinished business, first in order, was the consideration of the motion to refer to the Committee on the Penitentiary the following Ordinance:

Whereas, during the late Rebellion, at a time when there was no organized government in the State of Arkansas in harmony with that of the United States, Abraham Lincoln, President of the United States, issued his proclamation, of date December 8th, 1863, for the formation of civil government in the insurgent States, on a basis which should accord with the allegiance due to the Government of the United States.

And whereas, under said proclamation, the present Constitution was founded by loyal representatives of the people, and the same has proved to be generally acceptable to the people, was approved by President Lincoln, and has since been recognized by every department of the General Government.

And whereas, the same is republican in form, and no material change in the same is demanded at this time by the people whom we represent.

Therefore be it ordained, by the Convention of the State of Arkansas, called in pursuance of an act of Congress, entitled "An Act for the more efficient government of the Rebel States," passed March 2d, 1867, that we do hereby cheerfully adopt as the Constitution of the State of Arkansas, in all respects the same now in force, being that adopted on the 18th day of March, 1864; and that the same shall be submitted to the people for their ratification.

Mr. BROOKS. I hope it may not be understood that I have any formal, set speech to deliver, upon the proposition pending before the Convention. Yet, as I did make a few passing notes of the remarks of the honorable gentleman from White [Mr. **Cypert**], yesterday, I have thought it might not be amiss, very briefly to call attention, by way of review, to some of the points presented by him. I hope I shall be excused from reciprocating the epithets which might, perhaps, be properly characterized as Billingsgate, that have come from the other side of the hall. Such epithets, applied to honorable members of this Convention, and to members of the Congress of the United States, as "factious," "loafers," "carpet-sack gentlemen," "interlopers," "perjurers," "fools," and "liars," do not constitute the staple of argument——

Mr. CYPERT. If the gentleman attributes to me the use of the epithet "liar," applied to any member of this Convention, I wish him to correct that.

Mr. BROOKS. I do not know to whom the honorable gentleman has alluded; but the terms he employed I made note of at the time, that there might be no mistake, whatever, in respect to his precise language. Those epithets, I was about to say, sir, do not constitute the staple of argument, or the style of rhetoric, we desire to employ in the great work before us, of framing the organic law of the State of Arkansas, under the provisions of the enactments of the Congress of the United States. If, sir, we cannot sustain our position, and carry through the objects of our Convention, without condescending to such a style of remark, and without evincing such taste—such a want of the common courtesies of civilization,—why, then, sir, we respectfully desire just to be permitted to bow ourselves out of the capitol—whether we choose to bow ourselves out of the State or not—and surrender the contest.

This style of treating the subject of reconstruction, of the reorganization of civil government here, under the protection of the flag of the Union, and the enactments of the loyal Congress of the United States, is not peculiar to the honorable gentleman, but is characteristic of that element of society in Arkansas which he has the honor to represent here. In this morning's issue—I believe it was—of the official organ of the party which he represents, in part, upon this floor, is language of this character—and it is such language as that class of papers is accustomed to employ ever since the assembling of this Constitutional Convention.

"The bastard collocation whose putridity stinks in the nostrils of all decency, now in session in the capitol, has very conceited ideas of its importance and pretentious opinions of the scope of its powers."

Again:

"As a matter of some trifling interest to those who have not witnessed the exhibition of the menagerie, we would state that the negro members, eight in number, occupy seats on the western side of the Hall of Representatives."

And a few days since, at or near the time of the opening of this Convention—the assembling of these honorable gentlemen from all parts of the State—of all shades of opinion, I suppose,—the same organ, speaking, of course, for the party,—reflecting, unquestionably, the sentiments, principles, and habits of the party,—made use of similar language to this, characterizing the honorable members of this body as a "menagerie" of animals, and a select few, to the number of fifteen, as "gentlemen"—*gen-*

tlemen, emphatically,—who had devolved upon them the painful task of wrestling, not with beasts at Ephesus, as one of old, but with a "mongrel menagerie" of wandering wild beasts, collected together here as a sort of monkey-show for the entertainment of the respectables of Arkansas!

I am pained, sir, to feel called upon to notice these things, and should not have gone outside this Convention merely to remark upon anything of the sort that might appear in the public prints; but when an honorable member of this body, upon this floor, can imitate, or recite as a school-boy his lesson, this kind of systematic slang, and fish-market abuse of gentlemen representing as respectable a constituency as he himself, I think we are at least justified in calling public attention to the tone which his party has seen fit to adopt.

Mr. CYPERT. I very much dislike to interrupt the gentleman; but he attributes to me, by way of innuendo, language that will go out to the world as though I had really employed it. I now deny having applied any epithet to any gentleman of this Convention, or used any language implying that he was a dishonorable man in any way whatever. I did use the word "falsehood" in regard to the preamble prefixed by Congress to the Reconstruction Act. That I did say. It *is* a falsehood. That is the only instance in which I recollect using the word "lie," or "falsehood," in any way. I certainly did not use it in any manner applicable to any member of this Convention. Nor did I use any such language as is contained in the paper from which the gentleman has read, or any that could possibly be considered as bearing such a construction.

Mr. BROOKS. With the single exception of a glaring instance of departure from the rules of the Convention, where a personal indignity was offered to some of our colleagues here, it has not been attempted to hold the gentleman strictly to order. We are perfectly willing he should have the largest opportunity—the widest latitude,—so far as we are concerned. He has full opportunity to interrupt at his pleasure. But the words I have cited from the honorable member's speech were quotations made *verbatim*, and unquestionably remembered by every gentleman in the Convention and among the spectators, who was paying attention to the language at the time. What I read from the newspaper is of a piece.

Mr. CYPERT. If the gentleman intends to persist in that assertion, I must denounce it as false.

Mr. BROOKS. It would be well for the gentleman at least to control his temper. I simply say it is of a piece. I do not say the gentleman quoted the precise language, but that it is characteristic of the gentleman's style, and of those whom he represents throughout the State and country, as every honorable gentleman very well knows.

Mr. BRADLEY. I do seriously protest against gentlemen preferring such accusations here against the citizens of this State. If the gentleman desires to criticize the language or sentiments of individuals on this floor or elsewhere, I have no objection to make; but I do enter my solemn protest against such reflections upon the character of the citizens of my own State.

The PRESIDENT. The Chair would observe that this question is open to discussion; and when the gentleman from Phillips shall have finished his remarks, other gentlemen will have ample opportunity to answer.

Mr. BROOKS. We present no reflections with regard to the citizens of the State. We simply set forth a notorious fact, that there is a certain class of gentlemen in the State of Arkansas, engaged in conducting the press, and confronting the friends of reconstruction, upon the stump and otherwise, who are in the habit of using language of the character of that which I have quoted here this morning. And we allege that that style—not of argument, but of denunciation and Billingsgate, has been transferred to the floor of this Convention by an honorable representative. That is all that has been stated. It is a notorious fact; and if a reflection, I submit that it is such simply upon those who employ that kind of language.

But I did not desire to occupy the valuable time of the Convention with anything more than the simple recitation of a few choice extracts, for the purpose of exhibiting the elegant diction employed in the process of discussion upon the question of reconstruction. The honorable member brought forward, in his remarks of yesterday, the proposition that the Convention, in order to the accomplishment of its work, should adopt the existing Constitution of the State of Arkansas; and he indulged in very complimentary remarks respecting the existing Constitution, the Provisional Government, and the officers administering that Government. We rejoice, Mr. President, in the advancement made by our friends upon the other side of this question. We remember, very distinctly, that but a few months since, immediately after the surrender, when the loyal men of Arkansas, under circumstances of trial and persecution unparalleled in the history of this country, had inaugurated a form of civil government here, this same class of gentlemen who are now enamoured of it, and who are now so overwhelmed with admiration for the loyal Executive of this Provisional Government of Arkansas, then denounced, in unmeasured terms, this very Provisional Government, and these loyal men who, at the risk of life, assembled at this capitol, and, almost at starvation's point, labored day and night to institute such a government for the State. These gentlemen were accustomed—at least in our part of the State—to inveigh against those men as traitors, to denounce them as vampires, to proclaim them a pack of thieves and robbers of the State of Arkansas, and to characterize the Provisional Government as a humbug and a hoax. These gentlemen, immediately on their return from the rebel army, set about overthrowing, by revolution, if they might not otherwise, this same Provisional Government.

Mr. SNYDER [*in his seat*]. They called a convention.

Mr. BROOKS. They called a convention for the express purpose of overthrowing this much-lauded State Government, and the loyal men who had endeavored to administer it in a period of danger and strife. The improvement in these gentlemen is no doubt attributable to their subsequent associations. No doubt whatever, having been brought in contact with the loyal Government, they have come to a better mind. We congratulate them, and the State, and the country at large; and we hope, as evil communications corrupt good manners, the counterpart of that text is true, and trust ere long to hail them brothers beloved, as loyal men, ready to sustain the flag and the interests of the country.

Mr. CYPERT. Will the gentleman allow me to interrupt him?

Mr. BROOKS. Certainly.

Mr. CYPERT. If the gentleman's remarks in regard to denunciation of the State Government is intended to apply to any act or word of mine, he is mistaken: for no word or act of mine can be brought up derogatory to the Constitution of Arkansas, its Executive, or the State Government under which he was elected. I deny ever having said or done anything of the kind.

Mr. BROOKS. Oh! the gentleman should not appropriate to himself, personally, these remarks which I make of the party at large. [Laughter.] It is at least modest to suppose they are shared by other gentlemen.

It was stated in the argument yesterday, sir, on behalf of the measure proposed to the Convention, that the Provisional Government of the State had been recognized by every department of the General Government, and was, therefore, obligatory upon us, of course; and that, consequently, in being here for the purpose of subverting or supplanting a civil government thus recognized as a State government, *de facto*, by every department of the General Government, we were revolutionists. These are the gentleman's precise expressions: "Recognized by every department of the General Government as a State government in fact, without qualification or restriction." I submit, sir, that while the Provisional Government of Arkansas, as every intelligent gentleman on this floor and in this country knows, has been honored and cherished by every loyalist, of every class and color, in the State, and by all of our friends throughout the country, we have not claimed for it what the gentleman on the other side of the hall claimed in his argument. That argument fails in one very essential feature—the simple matter of fact. The Provisional Government of the State of Arkansas has *not* been recognized by the Congress of the United States, whatever may be said with respect to other departments. The legislative department of the General Government is supposed by many to be at least competent, whether or not it be alone competent, to adjudicate and determine this question of what is and what is not a State government, and, where disputes may arise between two such governments claiming jurisdiction over the same territory, to decide which is and which is not legitimate; and the belief of many well-informed men is, that Congress is the rightful and proper arbiter of that question. I merely mention the fact that that body, the Legislature of the United States, has not recognized the Provisional Government; and that the gentleman is, therefore, astray in his statement that that Government "has been recognized without restriction or qualification by every department of the General Government."

I was at a loss to understand how the honorable gentleman reconciled his position here as a delegate in this Constitutional Convention—*at first* I was at a loss, after he had made this broad statement that, the Provisional Government having been thus fully recognized, our position here was the consequence of a revolutionary movement, and placed us in a revolutionary attitude, to know how he reconciled these views with his action in accepting a seat in a body called to subvert that only legitimate government of the State. Certainly his course would seem somewhat inconsistent to common-sense business men, who are accustomed to proceed in all things in a straightforward, business-like way, and not by management and trickery. We should have supposed that, upon the gentleman's ground, we could not feel it fitting for us, as honorable men, to be sitting here in a revolutionary body, convened without authority of law, and for the purpose of overthrowing a perfected, duly recognized, and established State government! But a little reflection reconciled, in my thoughts, the attitude assumed, with the doctrines professed, by the gentleman. Two considerations suggested themselves. In the first place, *we* should perhaps have felt *embarrassed* amid such surroundings; while gentlemen whose previous habits have familiarized them with efforts to overthrow, without authority of law, established State governments, have very little scruple in that direction—they can much more easily reconcile their views of duty with such a position—a position "factional" and "revolutionary" in its character, to use the gentleman's own terms. *We* have been unaccustomed to efforts of that kind. But those who have familiarized themselves to it, and whose habits have become conformed to such courses of action, doubtless find themselves quite free from any such awkwardness. Again, there is another view of the subject on which the gentleman favored us with some perspicuous reflections;—recognizing his attitude, as a member of this body, as revolutionary, and without authority of law, and acknowledging that he and his friends might not be justified in taking their seats, but stating that they were here for the sake of imparting to the menagerie a shade of respectability,—with no desire to occupy a seat, except merely for the purpose of saving the body and the State from utter ignominy and disgrace; that they have engaged in this work, not to assist in framing an organic law, conformably to the act of Congress, and consistently with the interests of the people, but simply to rescue the reputation of the State from infamy, and in some measure mitigate the disreputable character of the Convention! We present our grateful acknowledgments! Sir, I submit that the position occupied by the gentleman, with regard to the Act under which we are assembled, is one incompatible, in our notion of the matter, with a high-minded, honorable, statesmanlike view of the subject: for he holds that the very Act, which is our authority for assembling here, and for our proceedings from day to day, is not only erroneous in principle, and without foundation in law, but is based on a false assumption of fact—that, in short, the enactment authorizing the call of the Convention, and its subsequent proceedings, is, from beginning to end, one gigantic falsehood.

Mr. CYPERT. I will correct the gentleman, if he pleases. I said the *preamble* to the Reconstruction Act was a stupendous falsehood—as great a falsehood as ever was penned on so much paper. That is the language I used. Nothing but the preamble was alluded to. The gentleman will recollect that I particularly specified the preamble as being a stupendous falsehood.

Mr. BROOKS. We might have been saved this consumption of valuable time, if we had simply had referred to our consideration the veto-messages and similar documents of the accidental President of the United States. We should then have had the fact and argument in a much more clear and forcible form, and divested of these low epithets which we have received. I understand the gentleman. Of course, if the very opening and foundation of the whole matter is a falsehood, that which follows is false, and the whole thing is a humbug. That is the substance of the gentleman's remarks. Of course, I did not follow him into all the details.

We were treated, Mr. President, to some interesting statements on other matters. We were appealed to, to refrain from epithets. We were exhorted, if I may so speak, not to call members traitors. Why, sir, I submit that this advice was all gratuitous. We have not been in the habit of calling men traitors. Since these gentlemen surrendered their arms, suspended their military opposition to the Government, returned to their homes, proposed to render obedience to the laws,—so far forth as my information extends, at any rate,—we have not been accustomed to use such epithets. I participated largely in the recent canvass in the eastern part of the State—in the First, and, to some extent, in the Second Congressional District. I never heard such terms employed by one solitary advocate of reconstruction. I have read the newspapers upon this subject; I am not aware of one single paragraph published by any newspaper in the State, that has applied to respectable members of society and citizens of the State, whatever may have been their previous position and career, any such expressions. It is quite unnecessary for gentlemen to offer such appeals; we did not come here to bandy epithets; we did not come here to call names, or to make faces. I repeat, if we cannot do better, for our constituents and ourselves, we would do well to remain at home, or to return to previous places of residence. As to sneers, to which allusion was made at the time, I have simply to say that, so far as I was concerned, I made an earnest, honest, and persistent effort to obtain for the gentleman a respectable hearing; and so, as far as I was able to observe, did the other members of the Convention. I certainly regretted, exceedingly, to be compelled to change, in some degree, my previous estimate of honorable gentlemen—at least of the gentlemen opposed to us. It was utterly impossible for me to suppress the emotion of contempt. Certainly, a large portion of the harangue could inspire in the breasts of honorable and true men—true to the flag and the country, true to the interests we are here to represent—no other feeling but one of contempt. We will be pardoned, therefore, I hope, for any apparent ill-breeding displayed in the matter; we honestly tried to control our manners, and to suppress the uprisings of our scorn and indignation.

But, sir, I do not desire to dwell longer upon these matters of explanation, further than to notice a single remark. But for the position occupied by the honorable gentleman, and apparently assigned to him, as the leader of the Opposition, we might, perhaps, have passed the subject by. If the language which he has used had appeared in some of the Opposition journals, we should have paid no attention to it; but as it has been employed in the course of the proceedings of this body, it may be held to merit a passing notice, that a certain portion of the honorable members of this Convention, are denounced as "carpet-sack gentlemen," and are invited to return to their homes, and there to remain, and exhorted to refrain from "coming down here" to assist these other gentlemen in managing their affairs! Why, sir, but for the surroundings here, that I could not entirely cast off, I would have fancied, for a moment, that we had gone back the space of a few years, and that we were actually having our ears again saluted with the cry of '61—"Let us alone!"—"Let us alone!"—"Do not interfere!—Do not disturb us! Allow us to manage these matters for ourselves! 'All we want is, to be let alone!'" And, going back yet further, those familiar with sacred history will remember that the cry of '61 was but the reiteration of another, raised nearly two thousand years ago, when certain ones said,—"We know thee, who thou art; *let us alone!*" No, sir, we proposed in '61,—acting in conformity with the provisions of the Constitution, and under the powers conferred on the Government of our common country,—if we could not by argument, if we could not by appeal, if we could not by fraternal influence upon our part, induce, upon the part of recreant citizens of the United States, a disposition to *let the country and the Government alone*,—then we proposed to come down, if need be—a portion of us—and others, already here, to stand up, at their homes,—and interfere with the proceedings of that part of society, so far, and only so far, as was necessary to the protection and maintenance of the Government of the United States, and the honor of the old flag. And we have no hesitation in saying, to-day, in response to that appeal, in the first place, that we are citizens, and *fellow*-citizens—not aliens, not refugees, not "interlopers." We claim to be your fellow-citizens; we claim no superiority; we are perfectly willing, even with regard to honorable gentlemen of the State of Arkansas, on this floor, who engaged in rebellion,—in a persistent, gigantic rebellion, unparalleled in the history of government, to overthrow that of the United States—we are willing, and ever since the hour of surrender we *have* been willing, to admit those men back to all the rights and immunities of citizenship, so far as is compatible with the public safety—willing to take them by the hand, and say, "Fellow-citizen!" But, I ask, are we to be met, here, by men fresh from the ranks of the rebellion to the Government, and be *tolerated*, and permitted to remain in Arkansas with the *proviso* that we will allow *them* to govern the country? And, forsooth, if we, in conformity with the wishes of our constituents, propose simply to participate in the framing of a civil government here, we must be invited out of the State which our arms and our blood, and the lives of our kindred, saved from the ruthless hand of treason and rebellion! No, sir! we are not here by sufferance! We are not here to be tolerated, in Arkansas! These loyal men, who, for the sake of the Government, and freedom, and right, and truth, and the flag under which we have assembled to-day, have suffered the loss of all things but life itself,—whose homes and inheritances have been ravaged, desolated, destroyed, by armed rebellion,—who have been waylaid and shot at, and whose friends have been bushwhacked, through all this land,—are not to be here by tolerance—the tolerance of whom?—of gentlemen whom they have met upon the battle-field, and honorably and bravely met, and conquered. Are these honorable gentlemen, who, at their country's call, left their homes in a more northern region, followed the flag in the State, and brought the State back, like a wandering sheep to its fold, to be told by men whom they have met in honorable conflict, and nobly conquered, that they will be *tolerated* in remaining here with their carpet-sacks, on certain conditions? We claim, as was claimed by my honorable colleague, yesterday, that, as citizens of a common country, we are guaranteed, by the Constitution of that country, all the privileges which pertain to that citizenship. And not only so;

but we announce—without anything like menace, but simply by way of advertising our friends of the Opposition, upon that subject—that we intend to remain until we are ready to go, and to remain at all hazards! I can say, Mr. President, that loyal men,—simply for the sake of loyalty, of fidelity to the country, its flag, its institutions, and its government,—have left their homes in Arkansas for the last time! If an issue of *that* kind be raised—if it come to that, that loyalty must be denounced, in the halls of this capitol, simply because it carries a carpet-sack—or a knapsack, or a haversack—in the interests of the United States Government, and not in that of a bogus government organized by bloody-handed rebellion—if because their humble wardrobe be borne, in a carpet-sack or a knapsack, by men, some of whom have walked hundreds of miles to this place, to represent their constituents—men stripped of all earthly goods by the rebellion,—they are therefore to be *put up with*, by these gentlemen, only on *conditions*,—if an issue of that kind be raised, I say, we meet it, squarely, here and now. We claim the *right* to be here. We claim it fraternally; we claim it with the kindest feelings toward all men who are willing to concede to us our guaranteed rights of citizenship; but, be it again said, we have left Arkansas for the last time till we are *carried* out! If I may be permitted to allude personally to myself, I will say that I claim, equally with the honorable gentleman, citizenship on this soil. I am not an interloper—even with the beginning of the war. My ecclesiastical identification,—which is my personal identification, as far as residence is concerned—which is my only identification with any locality, under the system with which I have been professionally connected,—has been with Arkansas. I have, for years, in Arkansas,—before the lightning struck us at Sumter,—participated, in part or in whole, in the sufferings and privations which have been borne for right and law and freedom; and I was chosen, by the ecclesiastical body with which I am connected, in this State, as one of two representatives of the State of Arkansas, in one of the most important and dignified ecclesiastical conventions in this nation. My colleague was unable to leave home, by reason of the same spirit that even now repeats its menaces in this hall. But a few days after my return from Buffalo, that man—a man who never trod free soil in his life—as patriotic a citizen as any that ever trod the soil of Tennessee or Arkansas—was *mobbed and hung*, under the simple accusation that he was loyal to the old flag! We intend, sir, to treat all gentlemen in this body, and all citizens of the State, fraternally, kindly, and respectfully; but, most of all, those of us who are thus denounced—for, of course, notwithstanding the statement which I have made, I shall be classed with those technically denominated carpet-sack men—be it so—but then, speaking for that class, I have to say that for the loyal men of this State, residents of the soil when the war culminated, no man breathes the atmosphere of this sunny South, who cherishes a more profound respect, a more deathless fidelity, than do we. And when to us, in the bordering State upon the north—though surrounded with treason, rebellion, and menace, and treated to promises of a nice swing, by our neighbors, without ceremony, upon the apple-trees of our own back yards,—after we had succeeded in rolling back the tide a few paces, the cry arose, from these men of Arkansas,—"Come up and help us!"—we left house and home, wives and children, and everything dear to men, and under the impulse of patriotism, and feeling that the pulsations of the hearts of these loyal natives of Arkansas were in harmony with our own, we came to mingle our prayers, our tears, our sympathies, our efforts, and our blood, with theirs, and side by side with theirs to lay down our friends. Upon this soil we buried our kindred on the bloody field; and around their graves we will cluster, and maintain these principles, or perish in the struggle!

I intended, however, sir, to have invited your attention chiefly to two leading points of this discussion. I shall do so very briefly, from the fact that my honorable colleague [Mr. Grey] has eloquently—I am proud to say, for my County, successfully, triumphantly, in the estimation of the honorable members of this body, and, I am fully persuaded, of the intelligent community—maintained our ground against the Opposition, especially on one of these topics. And yet I note it, in passing. We understand, of course, sir, the real motives of honorable gentlemen on the other side of the hall. It is not that they entertain toward us, personally, the feelings of vindictiveness or hate, which their language, taken at first hearing, might seem to indicate. I know, sir, it is impossible they should. I mean to say that in the main, the loyalists of Arkansas maintain an attitude and pursue a line of policy which addresses itself to the common sense, the common conscience, and the common honor of all right-minded men. But, sir, it is for the purpose of defeating the great leading measures of the Republican party, in the reconstruction of civil government in this State, that this course is resorted to, and this condescension to mere epithet and denunciation is exhibited on the part of honorable gentlemen. A double issue is presented: first, the enfranchisement of the citizens of Arkansas, without respect to race, color, or previous condition. We know full well, and have known, from the beginning, whatever may have been the temporary professions of honorable gentlemen, here and elsewhere, when this reconstruction measure was first inaugurated in the State of Arkansas—we know full well that at the bottom, at the core, they have, from the first, been irrevocably, in their feelings and purposes, in opposition to the enfranchisement of these honorable gentlemen of color on this side of the room, and the twenty-two thousand voters, and over one hundred thousand of the laboring, producing population of the State, whom these gentlemen represent. We have known, from the beginning, that they resisted this measure at every step; that they exhausted not only all the resources of statesmen, but all the resources of politicians, also, to defeat it. We accept the condition; we accept it with all the epithets they may pile upon us, with all the load of the prejudice of generations. They may confront us, here and elsewhere, with such slang as that which has been employed, in regard to the *odor* of our members, and our constituents. I have only to say, sir, that if I am to elect between the two—since honorable members and opponents resort to such a line of remark as this—if I am to choose between the odor of my constituents and the smell of treason, which "smells to heaven," I affiliate over this way, to all eternity! [Laughter and applause.]

Mr. CYPERT. The gentleman's remarks seem—as he is replying to me—to indicate that I have used such language as he cites, in regard to the negroes of this Convention. I have used no such expression, relative to the party, as "odor," or anything of that kind. The gentleman has alluded to such remarks as having been employed in this body; and, replying to me, it may be supposed he refers to me. I denounce it, so far as I am concerned, as not true.

Mr. BROOKS. The Congress of the United States has provided that we may re-establish civil government in the State of Arkansas upon certain conditions. One leading condition of the reorganization and re-establishment of civil government in this State—a consummation for which we most devoutly desire to labor—is that we shall do this very thing which the honorable opponents of the policy denounce as unconstitutional, impracticable, and wrong *per se*. We hold that it is constitutional. The Congress of the United States have so decided. We intend to *make* it practicable, and that these honorable gentlemen, and all who sympathize with their sentiments, shall feel and know it to be practicable, to re-establish civil government, and to recognize the rights of men of color, as well as of white men. We cannot succeed in re-establishing civil government, under the Act of Congress, in any other way. This fact, these gentlemen perfectly understood; and their effort, therefore, is to defeat reconstruction *in toto*. Therefore it is that they make these appeals to the prejudices of ages in regard to this subject. Of the provisions of the Constitution, and the history of the country, upon the subject of negro franchise, it is unnecessary for me to say a word. That was fully answered by my honorable colleague, yesterday. But we accept this issue, frankly, freely, and fully, and will "fight it out on this line." We must have reconstruction on this basis, of course, or not at all. We intend to reconstruct; and we intend that these colored men upon this floor, who compare favorably with the average of the representatives of any quarter of the State, loyal or disloyal, white or black, shall enjoy the rights to which they are entitled as men—

the "ignorance" which the gentleman urged, in his argument of yesterday, to the contrary notwithstanding.

The other real source of hostility on the part of the Opposition, here and elsewhere, to the policy which we support in the contest, though not openly avowed or directly presented, we know full well to exist; and we accept that also. It is, *that this reconstructed, reinaugurated civil government will be administered by men true to the country and its flag.* We are not the party of proscription; we are not disposed even to disfranchise, beyond what, in the judgment of the National Congress and of the loyal men of this State, is absolutely essential, in order to secure the public peace and safety. And we did hope, especially at the opening of this reconstruction movement, that these gentlemen would manifest a disposition which would justify the loyal citizens of Arkansas, through their representatives on this floor, in avoiding, as far as possible, *all* disfranchisement, and in securing the removal, through the agency of Congress, at the earliest period, of all disability which now attaches to any citizen of the State, by reason of National legislation. But, sir, if, in the progress of this movement, facts should be developed which shall change our views, defeat our hopes, and overthrow our purposes, in that particular, we shall mourn any necessity that may arise, to fix, to any considerable extent, in the organic law of the State, a disfranchisement of any portion of its inhabitants, beyond that imposed upon us by the authority under which we now proceed. But that we do intend that this Government shall be administered by men true to the Government, and true to the principles of liberty and equality before the law, we not only admit, but frankly proclaim in this hall. These our purposes we hope to attain; and we do believe that, with our efforts properly put forth, and our strength properly organized, throughout the State, we shall triumphantly secure the adoption of the form of government to be presented by this Convention, and shall, under that Constitution, elect a ticket which shall represent it, fairly and fully, before the people. Armed, as we are, with argument as potent as civilization itself, against all the accumulated prejudice of ages, we believe we can succeed before the people of the State of Arkansas. We did succeed in carrying the State for the Convention; we intend to frame a Constitution which shall so address itself to the patriotism and good sense of every man, irrespective of his previous position, views, and purposes, so adapted to the exigencies of the present hour, a Constitution so tending to develop the resources of the State, the freedom and enfranchisement of the people, that no sensible citizen can consistently refuse to ratify it. But we believe that in so doing we shall place,—or, rather, continue,—in possession of the State Government, loyal men, men whom the honorable gentleman on the other side of the hall so much admires. If it be found necessary, in order to secure the approval of the honorable member, and his constituents of the loyal county of White, we might renominate the present incumbent of the Executive chair. Certainly, his age, his abilities, his tried patriotism, would justify such a course; and if the gentleman and his friends be sincere in their admiration of the loyal Government of Arkansas, and of the incumbents of State positions, we might accommodate them,—as far as we can consistently, at any rate,—in order to secure reconstruction without opposition. Perhaps, could we continue to discuss these propositions for a few days, we might reach so happy a result. We should be sincerely glad to do so, at least as regards men who did stand up, as is claimed, and resist treason, secession, and rebellion; and however gentlemen may have faltered, afterward,—now that they find themselves surrounded by more auspicious circumstances, and when, hereafter, they shall find themselves backed up by twenty-two thousand loyal colored votes, superadded to the white voters of the State—votes which are not in the market, and which cannot, as was yesterday intimated, be bought—the votes of men who may possibly be occasionally misled, and browbeaten, but never purchased—backed up by these, gentlemen may find it advantageous, and in harmony with their original purposes of loyalty, to go back to the deserted hearthstone, and resume a position in the now broken circle of the family of loyalty! And when they are ready so to do—we do not make these professions as an empty sound, but from our heart of hearts—when they are ready to do this, then, sir, to every returning prodigal we bid welcome—we will run to meet them as they come, and if we find reason to believe them sincere, we will throw our arms about them, kill the fatted calf, and do for them all that we may, consistently with the public security; and, when they have stood out their probation, at all events, we will put the rings upon their fingers, and the seal of official position upon their brows, if need be. But, of course, they ought to satisfy loyal men of their unequivocal conversion, before they shall be admitted to full communion. These purposes, sir, are fixed in the minds and hearts of the loyal people of Arkansas.

The honorable member deprecated strife. None deprecate it more than we. The loyal men of this Convention and State are not men of blood. They are not bullies. They have been educated in a different school. They have been trained under different influences. They entertain no bitterness, no vindictiveness. We give to the winds all those feelings, and shall rejoice when the hour arrives that they shall be with the dead, and with the dead forever. All we ask is, that we may be permitted to go forward in this great work, in conformity with the provisions of the Act of Congress, the exigency of our situation, the demands of advancing civilization—in conformity with the demands of freedom and franchise everywhere—of manhood suffrage. We invite the gentleman, and his associates, to co-operation, and assure them that they shall not be treated, when they shall thus return to their fidelity, and to correct principles and policy, other than as men honorable, and faithful, and true. [Applause.]

Mr. HICKS obtained the floor; when

Mr. HINDS said: I wish to withdraw the motion to refer the Ordinance to the Committee on the Penitentiary. I move the previous question; and upon that motion I call for the yeas and nays.

Mr. HICKS. I do hope, sir, after two such eloquent speeches as we have listened to from gentlemen of the majority, we shall be permitted to be heard upon some of the questions raised in the debate.

The PRESIDENT. The gentleman from Prairie [Mr. HICKS] has the floor, and is at liberty to proceed with his remarks.

Mr. HICKS. I stand here as one of the representatives from the County of Prairie, in the attitude of an American citizen, whose only interest, and the only interest of whose constituents, to-day, is the good of our common country, and the perpetuation of its government. I am one of those who have never been in rebellion against the authority of the United States. I have ever been faithful to the flag of the United States. I have looked upon the folds of that flag in a foreign country, when it brought joy to my heart, and filled it with admiration and pride. The bold hue of the red seemed to announce, as it blazed from its standard, that I stood protected, how far soever I might wander from my home, by the strong arm of the Government; the white promised that my country would render me justice; while the blue ground, with its galaxy of stars, reminded me that if I should render the obligations of a citizen and a patriot, I should in the future receive the reward of my fidelity.

I am not accustomed to forensic debate. This is the first time that I have ever appeared before a deliberative body. And I desire to say, at the outset, in entering upon this discussion, that I am not here to bandy epithets, one way or another. I do not rise to reply to the gentleman from Phillips [Mr. BROOKS], or to answer for the gentleman from White [Mr. CYPERT]. I come not to deal in personalities; my business is, if possible, to render some service to my constituents.

I am one of those few who have deemed the present State Constitution of Arkansas sufficient for myself, and sufficient not only for me and mine, but for the entire population of the State. The question chiefly at issue is that of the extension of the elective franchise. On any other point I suppose there would be but little difference of opinion. The provisions of the present Constitution are identical with those of the Constitution of Ohio, and several other States, with the exception made in the last clause of the instrument. When the first Reconstruction Bill was passed in Congress, in 1864, the members elect from the loyal States of Arkansas and Louisiana were in Washington, demanding admission as Representatives of those

States. They were refused admittance, on the ground, as Mr. Stevens stated it, that the people of Arkansas and Louisiana were under the government of military authority, the ground taken being in accordance with the decision of the Supreme Court, in the case of California, where Gen. Persifer Smith had called together the Legislature of the country, and the Legislature so assembled had adopted revenue laws, which laws the Supreme Court declared null and void. Mr. Stevens assumed the ground that a State under military authority could not form a Constitution, and ought not to receive admission. Upon these grounds Arkansas was kept out of Congress. The bill to which I have referred, was presented to Mr. Lincoln, for his approval, having passed both Houses; and on the 9th of July, Mr. Lincoln, in a peculiar proclamation—whether addressed to Congress or the people,—announced to the people and to Congress, although Congress had adjourned, that the bill had been tendered to him only one hour before the adjournment; and that, consequently, he had not time to prepare his objections to it; but added, that he would assist Congress in any reasonable or advisable measures for the accomplishment of reconstruction, except, only, in the case of the States of Arkansas and Louisiana, which, he said, already possessed loyal State governments—the Constitutions of those States, he said, had been adopted under the Constitution of the United States, and he could not let them go for nought.

That, however, as I have said, is practically an outside issue. The main issue is that of the franchise. I desire to consider that question without prejudice, and, certainly, without mingling any personalities with the discussion. Mankind, as we are all well aware, is divided into several separate and distinctly marked races, classified as the Caucasian, the Mongolian, the American or Indian, the Malay, and the African. *Among them all, sir, no republican form of government has ever been established, except by the Caucasian race.* Even among that race, it has been established only by a struggle against power, protracted through centuries of blood. Various countries of Europe have, from time to time, endeavored to establish a republican form of government; yet at this day but one republic, as we understand the term, exists in Europe. There is the insignificant republic of San Marino, which has been permitted to stand for hundreds of years, because it is so small and so poor that its poverty protects it. It is but about forty miles square; and it is said there is no man in it worth more than seven hundred dollars. Within our recollection, almost, France has formed two gigantic republics; established them through blood, and given them away without an effort to retain them. The people of that nation have abundantly proved their incompetency to maintain a republican form of government. The conception of liberty, with them, is, the right to seize the property, or cut off the head, of any man who may chance to be in their way. A question which may seem morally insignificant, but which quickly swells to gigantic proportions,—the question of bread,—always recalls them from their dreams of liberty. They were tremendous republicans until they got hungry and wanted bread; then they were easily led away by the glittering show of military glory and display.

The gentleman from Phillips [Mr. GREY] yesterday said we were eight hundred years in educating ourselves up to our present position. If it took my race eight hundred years to work ourselves up to our present position, I am perfectly willing to concede that he and his race shall enjoy the same privileges when they shall have gone through the same ordeal. I accord to that gentleman more talent than any gentleman on that side of the house, probably more than I have myself—he is certainly a talented gentleman, and one who understands this question, probably because it has been his interest to study it more closely than I have done; and there are many other honorable exceptions to the ordinary capacity of that race—men of talent,—I may say, men of genius. But whether they received their abilities from the negro race or the Caucasian, I am unable to tell: I believe, however, and have the vanity to feel quite well convinced, that it came from the Caucasian blood in their veins. I will admit that there have been many learned Africans, great Africans. But the instances commonly cited, are by no means those needed in order to sustain the argument. Hannibal was, indeed, an African; but was he of the negro race? His hair was straight; he had high cheek-bones; he was not black. Neither was he a white man, but something of a walnut-color.

Sir, the race to which I belong, is that which, in the first struggle for its liberty, wrested the Magna Charta from King John at the point of the sword. The history of its liberty, from that era, was a succession of scenes of blood, up to the date of the birth of our own independence, in 1776. That was the school through which the Anglo-Saxon race, the most gifted in intellect, the most favored in circumstances, of any division, even of the Caucasian family, has passed, before it succeeded in the achievement of republican liberty. In those eight hundred years we have been slowly building the foundations of this mighty republic—for I may well say its real history goes back to that remote age. Though the existence of such a government as ours was then beyond the dreams of the future, yet it is the principles then enunciated that we have for those eight centuries been developing and striving to maintain. What has the negro race accomplished during that period, or, indeed, during the whole period of their existence on earth? Where is its language? Where is its literature? Where are its arts, its sciences? Where are its commercial interests, its ships, its flag? It has none. I repeat, it has none! And I will venture the assertion, that no gentleman upon this floor ever heard of a convention being called, in Africa, for any other purpose than to practise the Fetish rite, to roast their enemies and eat them, or to sell them to the

Spanish or American slaver. The sale of slaves formed their chief source of profit; and that race is now indebted to the free white nations of the world for the suppression of that outgrowth of the barbarism of their own race. They would steal their fellows to-day, carry them into the flesh-markets, and sell them, if they could find purchasers. I speak this with no shade of ill-feeling; all this is their misfortune. My own race has, doubtless, sprung from barbarism. Whether it came from the Goth, the Visigoth, the Vandal, or whether from the Danish pirate, or the Norman robber, I know not. It is not my interest, nor do I care to inquire. All I do know is, that in America we represent a proud and glorious race. We have borrowed our independence from the Indian of the forests of America; from its tall trees and from its gigantic mountains and mighty rivers. We have borrowed our independence from nature. If the negro race is competent to exercise the elective franchise, I say the aboriginal Indian race of America is equally fit. Our ancestors have practised fraud upon the Indian race ever since the landing of the Pilgrims on Plymouth Rock. They have driven them out from their homes; they have murdered them in the highways and byways; and when we come here to talk of philanthropy, none of us dare go back to our great-grandfathers.

The negro race has tried the experiment of a republic in Hayti. What has been the result of that experiment? Within my recollection, the mulattoes of Hayti established a republican government; and in a short time afterward, Soulouque, making himself the leader of the blacks, overthrew the republic, created an imperial government, and placed a Yankee, from Maine, whose name at this moment escapes me, as First Prince and First Counsellor of the Empire. Soulouque proved, it must be said, the best ruler, although very cruel, that the island ever had. He was said to have been a runaway from Florida. On his heels came Geffrard. During the period of Geffrard's presidency, I remember that a colored man of my State, a barber, and a very intelligent man, and well read in some departments of law, said to me, one day, "I can see no opening, in this country, for a black man." I remarked to him that in his place, and with the abilities that he possessed, I should go to Hayti. He went. His name was Henderson. He is now Judge Henderson, of the Haytien Supreme Court. But,—to resume my statement of the history of this negro republic,—the blacks became dissatisfied with Geffrard. He was a cruel and vindictive man. He cut off the hands of his enemies, burned their toes in the fire, and inflicted many similar barbarities. General Salnave raised an insurrection against him, supported by the entire black population of the island, deposed Geffrard, and established another republican government. A short time after the establishment of this government, Salnave had placed in prison every man of any prominence, opposed to his administration, including the various generals of the army. The Congress was in session, and passed a resolution requiring the liberation of these prisoners. What followed? The "President" of that great "republic," at the head of a crowd of women and children, went to the place of meeting of the "Congress," drove them out of their own halls, and himself assumed the reins of government. At the last accounts they were trying to fight that matter out "on that line." I don't know whether the women and children whipped the soldiers, or not; it is a question that yet remains to be determined.

I proclaim this principle, which I lay down as a political truth: no men on the face of the globe are capable of maintaining a republican form of government, except those of the white race. And as evidence of that fact, I may refer to the numerous republics of South America, where the blood of other races is largely mixed with that of the whites. What are those republics? They are simply machines for effecting robbery. Their generals are men raised from bandits. The Presidents, to-day, of a number of those republics were, but a few years ago, bandits in the mountains. They have a revolution, there, nearly every time the moon changes—as a variety. They have not the first conception of the nature of republican government. Mexico—the "sick man" of North America—look at her! Why, sir, it would take a cyclopædia to keep up with her revolutions. You would have to establish a steam-press, to publish her manifestoes!

I came not here with the purpose of saying anything unkind to any gentleman. I hope I have avoided doing so. I protest, in all sincerity, against granting to the negro race the elective franchise. I will admit that there are a few of them who understand our political system. But they are *very* few. That they do not, is their misfortune. It is no fault of mine. I do not feel that I have a right, with the responsibility of the oath which I have taken here, to risk the lives and happiness of my people in their hands. I am, therefore, honestly and conscientiously opposed to the movement.

Mr. BRADLEY. I do not wish to detain the Convention with anything like a speech. I think, sir, that too much time has already been consumed in the discussion of this question. My understanding was, that, on yesterday, the only question before the House was a motion to refer the Ordinance to a certain Committee; whereupon a discussion sprang up, and the questions in issue between the two great political parties of America, have been very extensively discussed,—which I really thought was out of order. And as the waters have been very much troubled, I think it may, perhaps, be well to pour on a little oil. I regret, exceedingly, that so much bitterness and strife, so much animosity, has been manifested upon both sides of the house. I did not come here, as a delegate to this Convention, to engage in that kind of discussion. I did not come here as a partisan, to make war upon anybody. My people did not expect it of me when they sent me. I came here under the provisions of the Military Bill—the reconstruction plan put forth by Congress,—to make an honest effort to organize a permanent State government in Arkansas. I came upon the hypothesis that Arkansas had no permanent State government; I believe it to-day. I came here because I indorsed the reconstruction plan, as set forth by the Act of Congress; I indorse it to-day. I came here because I believed that Arkansas had been taken out of the Federal Government; that she had never regularly been taken back. I advocated these views in my County and elsewhere; I am here to advocate them to-day.

This Constitution, the adoption of which is proposed by the Ordinance under consideration, is that which has commonly been known, all over the country, as "the *bogus* Constitution." And although it was adopted on the 18th of April, 1864—the same identical day on which I was re-adopted as a citizen of the United States, by taking the oath of amnesty,—I never believed it should be recognized as the organic law of the State, by which we were to be governed in our future legislation. I was of this opinion for several reasons, which I shall proceed briefly to state.

Had we been recognized, by the United States, as a State,—as possessing an organic law, and a permanent State government,—had we never lost our status in the Union, there never would have been a "military bill"—there could have been no "reconstruction plan" conceived of, by the wise men in the halls of Congress. And I confess I have been disgusted with the high-wrought theories which I have heard, from men of different parties, as to whether or not Arkansas had ever been out of the Union. The only way to arrive at a correct conclusion, is to look at the *facts, as they are*, and not as we would fain have them. If Arkansas was never out of the Union, how, in the name of Heaven, did it happen, that within the circle and under the jurisdiction of the United States of America, two different flags floated in mortal combat for four long years? If Arkansas was never out of the Union, why was it that the forts and arsenals—the arsenal in your own city, here—were regarded as in the hands of *the enemy* of the United States? Whether Arkansas *was* out of the Union, in fact, and whether she had a *right* to be out of the Union, are two different questions. If a thief comes to my house, and steals my horse out of the stable, while I am asleep, and if I thereupon pursue him, and after he has run my horse through four or five counties, I overtake him, and recover my horse, it would be a very high-wrought theory, to insist that because the thief had no right to my horse, the horse had therefore never been gone from the stable! When I have overtaken the man, and rescued the horse from his thievish hands, I have the right to take the horse back, and dispose of him as I think proper. The truth is, we lost all protection of the United States Government, and passed from under its jurisdiction. We set up a kind of *de facto* government,—as the lawyers call it,—in the days of the Confederacy, and inaugurated a reign of terror, plunder, devastation, and ruin, throughout our country. I recognize the right of the United States to control Arkansas, although at one time I was dressed in grey, and was in Confederate ranks. I never believed in the principle of secession. I don't believe in it to-day. Nor do I want to see a new rebellion inaugurated in this Convention. I want to see union; I want to see concentrated action, to see the members of this Convention, of every shade of politics, united together and working together, not for the destruction of antagonistic parties, but for the upbuilding of this country.

I object to this Constitution of 1864,—which this Ordinance proposes to adopt,—as a bogus Constitution. Its preamble declares that "We, the people of Arkansas, having the right to establish for ourselves a constitution in conformity with the Constitution of the United Sates of America," and so forth. *Who were* "the people of the State of Arkansas," that formed that Constitution? The fact is, that the gentleman who represented *my* County in that Convention, was elected by five men, under the shade of a tree somewhere in this town! And I understand that three other gentlemen got together, who were from a county entitled, according to the apportionment, to two members in the lower House, and a Senator; and they three elected the entire delegation of three, which consisted of themselves! And this Constitution was almost perfected before we so much as heard, in my County, that a Convention was in session, or the formation of a Constitution contemplated; and when we did hear it, we did not know by whom we were represented in the body that was engaged in framing it! Five men, elected under the shade of an oak, in Pulaski, were representing us! There were large counties, in the southern part of the State, that never heard of the proceedings of that Convention for months after the Constitution was said to have been *adopted!* Does that preamble state the truth, when it says, "We, the people, of the State of Arkansas?"

Let us look a little further at this Constitution of 1864. The fifth section provides, "That all elections shall be free and *equal.*" What do you mean by "equality" in elections, when three men are to elect the representatives of fifteen hundred voters? To frame that instrument was, perhaps, the best that could be done to establish a temporary government here, until further steps could be taken. But what does it mean when it declares that "all elections shall be *free?*" Free? No, sir; the people of many counties had not the *power* to march to those bogus ballot-boxes that were lying at the root of the trees of Little Rock! If we liked this Constitution, we wanted the right to approve it. Many of the men, whose names are affixed to it, have, very likely, never again seen the constituents whom they affected to represent.

When the war-storm had passed, and quiet once more pervaded the State of Arkansas, we wanted the opportunity to come here, and coolly and quietly to deliberate. I say *we* wanted the opportunity to come here; for a State Convention, as I understand it, is *the people*, represented by their chosen delegates. In the Convention of 1864, the people were *not* represented by their chosen delegates; and the Constitution which was there framed was not the work of the people, directly or indirectly. Then, as we seemed to have impediments in the way of organizing a genuine State government, Congress came to our relief, and made provision that we might, in the nature, as it were, of a spontaneous uprising of the people, take measures to gather a Convention, and adopt a Constitution in conformity with the Constitution of the United States of America. Could this be the instrument which we should thus assemble to adopt? No, sir! At the time when this Constitution was adopted, the great issue, upon which two millions of men went into the earth, had not yet been settled; the beam was tottering, and it was unknown which way the scale would fall. It *could* not accept the final issue of the great American struggle. It was adopted on the 18th of April, 1864. The Confederate armies never laid down their arms till the Spring of 1865. How, then, do you expect that a few men, caught up here and there,—refugees, principally, from their homes—without an opportunity of consulting their constituencies,—could frame a constitution adapted to the state of things which was to exist after the war had closed, and the different races made to occupy another position towards each other? It was a monstrous assumption of theirs! I would suppose that for the most enlightened and far-seeing body of men in the world, to so anticipate the emergency that should arise after the war should be over, as to frame a form of government which should at once harmonize with the condition of the country and with what should then be the state of the Constitution of the United States,—which was, in consequence of the war, constantly receiving amendments,—would require a forecast and wisdom more than human.

But I have yet another objection to this Constitution of 1864. "No man," it provides,

> "Shall be taken or imprisoned, or disseized of his free hold, liberties, or privileges, or outlawed or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers or the law of the land."

What do I understand by "peers?" The right of trial by jury is one that we intend to guarantee, in the Constitution, to every citizen. I understand by "peers," a man's equals. Were I indicted, arraigned, and to be tried for my life, I should expect to be tried by my equals. I would protest,—most solemnly,—against trial by my superiors or inferiors. If you make these colored members amenable to law, and indict and arraign them, in the courts of the country, and if they are so inferior to the white race, are they being tried by their peers, when tried by a jury of twelve intelligent white men? No, sir; I am in favor of their being tried by men of their own race. Is it too much? If the Constitution means what it says, then we have a right to be tried by our peers,—our equals. There was no such provision under the Constitution of 1864.

Sir, I desire to remark upon one other point. We have an important work to achieve, here. We need to be recognized and re-established, as a State. We have to form an organic law by which unborn generations are to be governed and guided. I hold that the members of this Convention have no right to engage, in this Convention, in a warfare among ourselves, even when carried on between factions on one and the other side of the house. When we are thus engaged, we are simply gratifying the most hellish passion that ever rankled in the human heart, and gratifying it at the expense of our constituents. I do not like many things that have been said, on both sides. I do not like this comparison of abilities. If any of the colored members are superior, in talent, to myself, please be modest enough not to throw it in my face in a public place! These comparisons are odious. [Laughter.] This is not the time to deal with these questions that tend to awaken so much bitterness. I did not intend to make a speech; but I do want to rebuke the style of argument which has been used here for the past two days. The questions discussed have not properly come before us. When they come, it will be time enough to discuss them; and you will find me at the right place. True, I sit by the side of my friend here [Mr. CYPERT.] Our relation is personal and social. It is understood that he belongs to one political party, and I to another; and many men, I suppose, have thought we couldn't sit so close together, without my making him a Republican or his making me a Democrat. Well, if the law of absorption is to obtain, I shall be certain to take him up and make a Republican of him, for I have most capital to start on. [Laughter.] But, seriously, I am opposed to the style of argument which we have seen exhibited here. I care nothing where a man comes from. When I came to Arkansas, twenty years ago, the State had been heterogeneously settled, from Virginia, Georgia, North Carolina, and even from the snow-capped hills of New England; and some of the oldest residents of Arkansas are New England men. We did not fall out. I care nothing, I say, where a man comes from;—it is not his name, it is not his nativity, it is his moral character, and his true status before the country, by which I estimate him. And one of the reasons why I am glad that that great monster, Slavery, is dead, is, that it was a curse to the white race. I believe that slavery was a curse to the whites; just as I believe that freedom is going to prove a curse to the black race. In the days of slavery, a man was to be estimated by the number of negroes he owned; or, if a young man was going courting, the first question was, how many did his father own: [Laughter.] I rejoice, sir, that that day is past; and I do trust that the day has come when the worth is to be the measure of the man. An Irishman, it is said, was once twitted, by another, who learned that he was born in Limerick, while all the nobility were natives of Cork. "You're born in Limerick!" "Faith, I am, but I could have been born in Cork if I'd wanted to!" [Laughter.] Mr. DOUGLAS said it made no difference where a man was born, provided he emigrated early enough. I was myself born in the fall of the year, and so was born further north. If I had known that cold weather was coming on, I should have come to Arkansas to be born. [Laughter.] Sir, we have not assembled here to indulge in these personalities. My own doctrine is that loyal men shall rule this country. I commit myself to no policy that is to drive this or that man from the country, because he is from the northern lakes or from the southern seas. Whether he was born in Maine or Florida, he has a right—especially if he has come here through blood, and over dead bodies—he has a *right* to be here, and to participate in the counsels of the State. Although an adopted citizen of twenty years' standing, I recognize the legitimate right of a freeman, who came here in obedience to the laws of his country, to all the privileges of a citizen. It was not his fault that he came here; it was ours. All I want is, that he shall be a little modest after he comes here [Laughter]; and we will do the same. We cannot inaugurate two policies, two general interests, in this State. What is your interest is mine; and whatever a majority of this body sees fit to enact, will be the law for us all; and if any benefit shall arise therefrom, I and my family, who are fixtures in the State of Arkansas, will reap the same benefit. If I believed in a policy ruinous to the country, I would be the murderer of my wife, the partner of my bosom, and my children, the fruit of my loins. But I propose that we unite together. I do not intend, for one, to throw obstructions in the way of the accomplishment of what should be our common object. I do not propose to engender strife by the unnecessary discussion of disputed questions, in this preliminary stage of our proceedings. Gentlemen, in the name of everything that is good, cease from these epithets—do not raise agitation so early in the history of our Convention! For one, I intend to show respect, in my remarks, to every gentleman; and if any shall then use remarks personally offensive to me, I advertise him that he is incurring a bond of personal obligation, for which I will hold him to a fearful account. I will give no insult; I will take none: and I will hold every man to the same course. I was sorry to hear the motion to commit this subject to the Committee on the Penitentiary. It was not the proper course. Let the Ordinance go to its proper committee; and if not reported upon by that committee, it would die in the proper place. If it should come back, from the committee, we should have an opportunity to investigate its merits, and dispose of it as we should see proper. Have we come here to disgrace ourselves in the reports of the press? Have we come to give an endorsement of the denunciatory epithets, of "kangaroos," and "tigers," and "beasts," that have been lavished upon us? Have we indeed come to snap and growl at one another, and so to justify these attacks? I enter my solemn protest, that *my* teeth shall not be shown—tiger- or wolf-like. Let us pursue another course, one chosen only with reference to the interests and honor of the country, and the credit of ourselves.

ADJOURNMENT.

Mr. HINKLE moved to adjourn.

The question was taken; and the motion was not agreed to.

SUSPENSION OF RULES.

Mr. MONTGOMERY moved that the rules be suspended, in order that Mr. SMITH might be allowed to introduce a resolution.

The question was taken; and the motion was not agreed to.

ADOPTION OF CONSTITUTION OF 1864—RESUMED.

Mr. HINDS asked permission to withdraw the motion to refer the Ordinance under consideration, to the Committee on the Penitentiary.

No objection being made,

The motion was withdrawn.

Mr. BROOKS moved that the Ordinance be rejected.

Mr. DUVALL. I am not here for the purpose of making speeches. I have not been raised for that. I have been brought up at the tail end of a plough. I am here, to-day, if I know myself, with no other object than to represent the interests of the people of the State at large. I do not propose to deal in any of the vile epithets which have been employed here. I wish to see peace and harmony restored to our country. And, being one of those of whom my friend from Phillips [Mr. BROOKS] has spoken, that left their homes and families, all that was sacred and dear to man, to follow the stars and stripes that to-day float from this capitol, I occupy a different position from that of any man on this floor. I sacrificed the hard earnings of my life, my life I perilled through four years of bloody warfare, in defence of the Union and Constitution of the United States. I am here, to-day, asking for the maintenance of that for which I fought. This, sir, is all that I ask. This, sir, is all that I ask!

The gentleman from Phillips [Mr. GREY] asked for the rights of his race; and he refers us to Massachusetts, as one of the States of this Union which has granted them their rights. In the first place, I assume the position *that the colored race are not citizens of the United States*; and secondly, I deny that they have the right to exercise the elective franchise. I would simply ask that gentleman,—how far has Massachusetts extended that franchise to his race? Were the members of that race in Arkansas this day transferred to Massachusetts, how many of them would, under the Constitution of that State, be permitted to exercise the right of suffrage? It is well known that in Massachusetts no man is allowed to vote who cannot read the Constitution of the United States. Upon the question of citizenship, it is only necessary to say that Congress itself, which has constituted itself the peculiar champion of your race, has said that you are not citizens. The Fourteenth Amendment to the Constitution has, for one of its main objects, the declaration that you shall be citizens of the United States. When you shall have become citizens, then no State will have the power, practically, to deprive you of the right of suffrage, since that right is in that Amendment guaranteed to every citizen, by conditions which tend to force universal suffrage upon every State.

The gentleman said, in the second place, that Congress had agreed to give to his race the right of suffrage. *Congress* agreed to give it to them. I ask, where does Congress get its *power* to give you that right? The Constitution of the United States is the organic law of this government. That Constitution cannot be altered or amended, except by consent of three-fourths of the States. But, unfortunately for us, Congress—that portion of the representatives of the Nation, claiming to be Congress—have set themselves up as the Government—legislative, executive, and judicial; and, sadly for us and for the country, many who have gone with me, through this bloody struggle, side by side, claiming to contend for the Union and the Constitution, are looking to Congress as the only law-power that exists in the nation, and are willing to concede to them the authority to enact laws in violation of the Constitution, and of the solemn decisions of the Supreme Court of the United States. Gentlemen, you are conceding the exercise of a power that will uproot the very foundations of American liberty, and leave us, as we are to-day, under the domination of military tyranny. Whatever may be said of the prediction which I venture, the facts that I state cannot be denied.

The gentleman further proceeded to claim the elective franchise for his race, as a reward for their service. Now, sir, it is known to every gentleman in this body, that the exercise of the right of suffrage has been confined to a class. Upon the same principle which the gentleman urges, I, or another, might well set up a claim to the elective franchise, in behalf of those young men, those boys, who left the State of Arkansas, left their fathers, their mothers, and their homes, and wound their way, with me, through the wilderness, to follow the stars and stripes, for the maintenance of the Union. I might claim for them that privilege, from the rising to the setting of the sun, and from year to year—it will never be given to them till they shall have arrived at the age of twenty-one.

I would recall to you, sir, the purpose which Congress and the President declared to be the object, and the sole object, in the prosecution of the war. Gentlemen all well know that the Government had taken the position that no State had the right to secede. I held the same theory; and I still hold, to-day, that no State, though she may arm herself in rebellion against the Federal Government, and may for a time succeed in withstanding the authority of the nation, has the right to dissolve her connection with that Government, and to throw off the allegiance which she owes to it. So Congress declared; so the President declared. The President asked for volunteers. He called upon the loyal men of the country to crush the rebellion, and to sustain the power of the Federal Government over the whole territory of the Nation. And we responded to the call. Did not that Government sacrifice, to the accomplishment of this object, half a million of lives? Do not the bones of those who fell in that great cause, to-day lie bleaching on the soil of every State where rebellion raised its head? How many hundreds of millions of dollars did they spend to sustain that principle? They did sustain it. We followed that flag to the crushing of the rebellion; and Congress, at the end of the war, acknowledged that these States had never been out of the Union. Their acts were the evidence of that acknowledgment. My friend from Phillips [Mr. BROOKS] denied that Congress had ever acknowledged it. I affirm that they did so acknowledge, in submitting to these States the Constitutional Amendments.

Mr. BROOKS. I will correct the gentleman. He is mistaken in the point he makes. He understood me to say that these States had not been out of the Union. I did not speak of that point. In answer to the gentleman from White [Mr. CYPERT], who spoke yesterday, I said that Congress had not recognized, "without qualification," the validity of the Provisional Government of the State of Arkansas, as a government.

Mr. DUVALL. I understood the gentleman to say this. The gentleman from White said, yesterday, if I am not mistaken, that we had a State government which had been acknowledged and recognized by the Federal authorities; and I, this morning, understood the gentleman from Phillips, in reply to him, to deny that the State Government of Arkansas had ever been recognized by Congress. I may be mistaken, but I do not think I am.

I repeat, that in submitting the Thirteenth and Fourteenth Amendments to the Constitution—if I had the documents before me I would give the language used by Congress, but it is familiar to you all,—the expression employed was, that of a submission to the STATES; and in all the official papers on the subject of ratification of those Amendments, reference is made to the *States* which, by their legislatures, have accepted the Amendments. In the report submitted to Congress upon the subject of the proposed Fourteenth Amendment, in reply to a resolution of inquiry, after a statement that "the following named States" had ratified the Amendment, succeeded the statement that "the *following named* STATES" had rejected it, viz., Virginia, North Carolina, South Carolina, Florida, ARKANSAS, Texas, Mississippi, and Louisiana. I do not profess to give, literally, the language of the paper; but I do quote it in substance. Sir, if this submission of amendments to the Constitution, to be ratified, did not constitute a recognition of the existence of State governments, why, in the name of Heaven, did they mock us, and the nation, by the submission? Sir, they did recognize us as a State. They sustained the principle upon which the war was made, and which it enforced.

But the end was not accomplished, of affording citizenship to the colored race. How recently, indeed, was the scheme mooted! Where do we find the first meeting of any body of considerable importance that proposed the enfranchisement of that race? Hamilton, of Texas, says, that when he submitted the proposition to the people of that State, he did not receive a respectable notice. He then went to Washington City, and, in consultation with a few other loyal citizens of the South, determined to call a convention. That Convention assembled in Pennsylvania, in September, 1866; and there, for the first time in the history of this Union, was advocated the principle of the enfranchisement of blacks. Yet my friend yesterday said that Congress had given them a solemn promise that such enfranchisement should be bestowed.

Sir, why was this done? I claim to stand here as an honest man, aspiring to no position; God knows I prefer the life of an honest farmer to dabbling in politics—for I take the position that no man can be a successful politician without blending with his action more or less corruption. In all sincerity of heart I say that, in my opinion, such men as Hamilton, and many kindred spirits, aspiring to office, saw plainly that they could not control the governments of their respective States, unless by enfranchising the colored race; and that they set about the accomplishment of that result, on no other grounds, and from no other reasons, than these. They claim that it is done for the protection of the loyal men of the South. Gentlemen, if that is the kind of protection that our friends from the North are giving us, I, for one, that claim to be a loyal citizen,—one, sir, who bears upon his back no mark of disloyalty, past or present,—ask them to cease their protection! I think we are capable of taking care of ourselves, if they will quietly suffer us to do so, and will cease this agitation of universal suffrage amongst us. Sir, when the war ended, the Rebel armies surrendered upon terms; they returned to their homes; and I am proud, to-day, to say to you that, though they fought you and me manfully up to the close of the struggle, we have, since that time, had a peaceable and quiet community, composed, for the most part, of honorable men, willing to submit to the laws of their country. I represent here, to-day, such a community; and I desire to see the interests of those men equitably taken into consideration. Had they been disposed to control this Convention, the majority of the men of Lawrence County are men who were engaged in the rebellion,—they have a majority of registered voters in that County;—had they been disposed, I say, to control this Convention, they have much abler men than I, and they would certainly have sent them here. But they are men who are willing to be represented here by a loyal man,—a man who they knew could be assailed with none of this slang of treason, that has been so lavishly employed upon this floor. I am here to represent them; and whatever may have been the past, they are entitled, as peaceable and law-abiding citizens, to-day, to be heard, through their representatives, in this body.

I had noted one remark of the gentleman [Mr. Grey, of Phillips] who spoke yesterday, claiming equality of intellect with the white race. That point was noticed by my friend from Prairie County [Mr. Hicks]; and I shall only make a passing observation. I would refer the gentleman to the condition of the negro race in Africa. I would ask what it has done toward establishing a republican form of government,—what it has done in the way of science, art, and civilization? and with that question I pass from the subject. I hasten thus my remarks on these topics, because I do not propose to consume time here; since time is money to our constituents, and we shall certainly have to render an account for all that we expend.

I take the position, then, Mr. President, that we have a Constitution, and a State Government. We have a Constitution that was framed here by loyal citizens. It was framed under the direction of Abraham Lincoln. It was accepted by the people, so far as they were able to manifest their acceptance of it. That Constitution and State Government have been acknowledged, by the appointment in the Executive and Judicial departments, of the various officers that belong to a State organization; and, to-day, the State of Arkansas has funds invested in United States bonds, and as a recognized State Government holds them. Congress, in the passage of this very Reconstruction Act, has attempted to set aside that Government. It has placed us under military domination, and has put every office of the State at the mercy of the military commander. Had the Commander of this Department been disposed to listen to the various petitions and complaints preferred before him during the past six months, I venture to say that to-day there would not have been an officer remaining in any department of the Government of Arkansas, who held his place half-a-year since—every man would have been removed. Sir, where is the mainspring of all these proceedings? Gentlemen want office,—they want the *spoils* of office.

I wish to say to the gentlemen of this Convention, that I do not stand here,—as would have seemed to be indicated in certain speeches on this floor,—as representing the Rebel party. I entertained, when in the service of my country, the same views that I entertain to-day. These are no new ideas which I am picking up, in order, as some may charge, that I may drift with the popular current. I refused to give up my principles; I perilled my life, and sacrificed for them all that I had; when, had I been corrupt enough to resign my convictions for the sake of position or other personal advantage, I might have come out far better than I did. I came out of the war for the Union, a poor man; and I have remained so. I have held my own, very well, in that regard. *I come here for the principles I fought for.* When the present proposed Amendments to the Constitution of the United States shall have been adopted, then, under that Constitution, these colored friends will be citizens, and will have gained the right of suffrage; and we cannot help it. But I do protest against Congress attempting to dictate to the people, of this or any other State, what manner of Constitution they shall form, and against its proclamation that a State is not in the Union. I hold that no State ever was out of the Union; and it was for that principle that I fought.

Mr. CYPERT desired to be informed of the precise attitude of the question before the Convention.

The PRESIDENT stated the question before the Convention to be upon the adoption of the Ordinance.

Mr. HINDS moved that the further consideration of the Ordinance be made the special order of the day for Thursday, January 16th.

The question was taken; and the motion was agreed to.

INVITATION TO DR. T. M. JACKS.

Mr. SMITH offered the following resolution:

Resolved: That T. M. JACKS, of Phillips County, be invited to address this Convention, at such time as the Convention may indicate, in relation to matters of general interest to all the people of this State, and not of a political character.

Mr. McCLURE did not regard it as proper that the Convention should, in its official capacity, receive the address. He moved to amend the resolution by striking out the words: "this Convention, at such time as the

Convention may indicate;" and to insert, instead thereof, the words: "such members as may desire to hear him, on Thursday evening."

Mr. SMITH accepted the amendment.

The question was then taken; and the resolution, as amended, was adopted.

PRINTING OF THE CONVENTION.

Mr. HICKS sent to the Secretary's desk a resolution, which, he explained, referred to the subject of letting to the lowest bidder the printing of the Convention.

The PRESIDENT stated that the Chair had permitted a relaxation of the rules, so far as to allow the introduction of one resolution, out of the regular order of business; but the indulgence could be extended no further.

ADJOURNMENT.

Mr. DALE moved that the Convention adjourn.

Mr. HODGES, of Pulaski, moved to amend, that when the Convention adjourn, it be until Thursday morning.

The amendment was accepted.

Mr. HICKS asked for the yeas and nays.

The yeas and nays were ordered.

Mr. CYPERT asked to be informed of the reason for an adjournment to that date.

Mr. McCLURE explained that the hall (which by Act of the last Legislature it was forbidden to use except for the meetings of bodies composed of delegates from all parts of the State) was wanted, on the morrow, for the use of a political convention of that character.

Mr. CYPERT said, that with this understanding, he had no objection to the adjournment.

Mr. HICKS, by consent, withdrew the call for the yeas and nays.

The question was then taken; and the motion, as amended, was agreed to;

And thereupon, at 12.15, P.M., the Convention adjourned, to 10, A.M., of Thursday, January 16th.

EIGHTH DAY.

THURSDAY, *January* 16*th*, 1868.

Convention met, pursuant to adjournment.

Prayer was offered by the Rev. S. M. HYDE, Chaplain.

The roll was called; and a quorum of the members of the Convention answered to their names.

The Journal of Thursday was read and approved.

ASHLEY COUNTY ELECTION.

Mr. MATTHEWS. I desire to present the credentials of Messrs. W. D. MOORE and GEORGE W. NORMAN, delegates from Ashley County; and move that they be sworn, and admitted to their seats.

Mr. BROOKS. I understand that there are contestants claiming these seats. I think it preferable to settle all these questions of admission, before gentlemen are qualified to take the seats. I therefore move that the credentials of the gentlemen from Ashley be referred to the Committee on Elections, with a view to furnishing an opportunity, to the parties contesting the seats, to bring before the Convention, through that Committee, all the facts and considerations which may enable the Convention to reach a just conclusion, and take such action as may be deemed proper in the premises.

Mr. MATTHEWS. I think this a very unusual course. Since the permanent organization, there has been no reference of any credentials presented. Until any contestants, that may appear, shall claim their seats, the gentlemen whose credentials are presented are entitled to those seats. The credentials are regular. I protest against any such course as is proposed.

Mr. CYPERT. There is but one class of credentials that can be presented to this body. I presume that an inspection of those now presented will be sufficient to show whether they belong to that class. It will be remembered that we are a convention of a peculiar style; and membership here is known only by a particular species of credentials, issued in the form of an order from the Commander of the District. I defer to the opinion of others. I readily admit that Conventions assembled for the same purposes with ourselves, would, under ordinary circumstances, have control of these questions. But, understand me again, I assume these as extraordinary circumstances. But one class of credentials can be presented; and when so presented, the President of the Convention, surely, would see whether they came within that class, without any necessity of their reference to a committee. The seat cannot be contested until some one occupies the seat. When the credentials come up in form, and the party is sworn in, then, if the *prima facie* evidence presented by the first claimant could be set aside by other evidence, the seat might be contested. But *prima facie* evidence is now presented, which cannot be at all investigated until some one has the seat.

Mr. McCLURE. There is a provision, in the Reconstruction Act, which reads as follows:

> "No person excluded from the privilege of holding office by said proposed amendment" [" proposed by the Thirty-ninth Congress, and known as article fourteen"] "to the Constitution of the United States, shall be eligible to election as a member of the convention to frame a constitution for any of said rebel States, nor shall any such person vote for members of such convention."

The Fourteenth Amendment declares:

> "No person shall be a Senator or Representative in Congress, or elector of President or Vice-President, or hold any office, civil or military, under the United States or under any State, who, having previously taken an oath as a member of Congress or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof."

I move that the credentials be referred to the Committee on Elections, and that that Committee be instructed to inquire as to the qualifications of the delegates.

Mr. BROOKS. Having brought forward the motion, I wish only to say, in response to the honorable gentleman on the other side of the hall [Mr. CYPERT], before the question shall be submitted to the Convention, that it is not a matter of course that no contest can be made until there is a sitting member. I allege that it is perfectly legitimate, regular, and justified by the most eminent precedent that could be given in the United States of America, that a contest may be made on a claim for a seat, prior to any gentleman occupying it; and I hope this question may take the direction indicated, and the Committee be instructed to bring before the Convention all the facts in the case. I know none of the gentlemen; I do not know the political position of the contestants, *pro* or *con*—I have never made inquiry. I have simply reliable information that a contest is made for the seats, and upon good grounds. Of all that, this Convention will judge when the facts are brought before it by the Committee. Credentials are simply *prima facie* evidence of the election; and the whole matter ought properly to go to the Committee on Elections.

Mr. BRADLEY. It is with a good deal of diffidence that I rise, on this floor, to speak on any question; more especially upon one of the character of that before the Convention this morning. I am sorry that these two gentlemen, who come here duly furnished with credentials from the General commanding, belong to a different political party from myself. But I have set my record right before the world, on the point that my political views can have nothing to do with my action in this Convention. I do solemnly protest against this Convention, under any mistake, or under any bias, placing itself in the position of a set of asses, before the world.

Mr. BROOKS rose to a point of order. The language of the gentleman from Bradley was disrespectful to the Convention.

The PRESIDENT sustained the point of order.

Mr. BRADLEY. These gentlemen come here with credentials. According to the regulations under which we have been called together, they must take their seats. We can recognize no other authority for a gentleman taking his seat, than a certificate from the General commanding. If another gentleman contests that seat, he makes the contest, and presents to the Convention the grounds upon which he makes it; and these may properly be referred to the Committee on Elections. But in the present case legitimate credentials are presented, coming from the proper source. They have come here as my credentials came; and there was as much authority to refer my credentials, and those from the gentleman from Phillips, or any other member, as there is for referring those now before the Convention.

Perhaps I was a little imprudent in my language. I ask pardon for it.

Mr. CYPERT asked for the yeas and nays.

The yeas and nays were ordered.

Mr. KYLE. I was merely about to remark, before recording my vote upon the proposition before the Convention, that it is perfectly legitimate, and customary, in all deliberative bodies of which I have had any knowledge, that when gentlemen present their credentials in the usual way, they shall become entitled to their seats. It is usual for them to be qualified, and to become sitting members of the body; and if there are contestants, and if those contestants have complied with the law on the subject of notice,—in cases when any such law applies,—an investigation into the merits of the case then takes place. I suppose that no law exists, on the subject of notice, that would apply to this body. As regards Congress, the law requires that the contestant shall give notice, to the holder of the certificate of election, of the intention to contest the seat; and without that notice the contestant's case would be foreclosed. I do not suppose that any notice is requisite in this instance. But I understand that these parties are entitled to be qualified and to take their seats. They may have been informally elected, for what I know. I know nothing about their election, nor of the grounds upon which it is contested. I only desire that we conform our action to the usual course in cases of this kind. The course suggested by my honorable friend from Phillips [Mr. BROOKS], is certainly correct in cases when the sitting members have been qualified, and the seats are contested. There are then, as it were, parties to be sued. But as the matter now stands, the applicants are outside parties. And if it is competent to move to amend the proposition of the gentleman from Phillips, I move so to amend that these members be now qualified, and that they take their seats.

The PRESIDENT. The Chair would state that the motion of the gentleman from Dallas [Mr. KYLE], would properly come before the Convention in the form of a substitute.

Mr. KYLE. I will merely add that should the Convention see fit, to adopt the course which I have suggested, it will be very easy, when the contestants present themselves, for the proofs of the respective parties to be duly investigated by the Committee on Elections, and referred back to this body, for its decision.

Mr. McCLURE. Much has been said about the propriety of the proposed reference to the Committee on Elections. I know that there are many men who have very little respect for the action and precedents of the present Congress. But being a humble individual, and not endowed, by the Creator, with almost divine perceptions, which some other individuals have, I say, for one, that I am willing to be guided by the precedents set by that body. In the case of the Kentucky members, when they were presented upon the floor of Congress, to be sworn in,—without any application or contest, from any source,—the entire matter of the qualifications of the members was referred. That is what we proposed in this case. There is no contestant here. The sole object of the proposed reference is, to inquire into the qualifications of these gentlemen, within the terms of the Reconstruction Act itself.

Mr. KYLE. As regards the case of the Kentucky members, it will be remembered that the question, there, was, whether those members were, in sentiment, rebels, and for that reason not entitled to their seats.

Mr. McCLURE. That is precisely the question I propose to raise here.

Mr. KYLE. I did not know that it was the object of the inquiry, to ascertain whether these gentlemen from Ashley County were rebels. I supposed it was some informality in the election, that was to be investigated. In the case of the Kentucky members, it was charged that they were not only rebels in sentiment, but that they had held high and responsible positions under the Confederate Government. No question of the informality of the election then arose. But if the question is an inquiry into the conscience of the men,—if we are to look into their antecedents, and inquire whether they are rebels at heart, now, or not,—seeking the destruction of the Government,—the question is a different one, and I have nothing more to say. What I have said with respect to the proper course in cases of contested elections, I am sure is correct.

Mr. BRADLEY. I would state that this very question has been referred to General Ord. General Ord at one time countermanded the order by which these gentlemen were authorized to take their seats. They had started for this place, and had arrived at Monticello, when the order confirming the certificate was countermanded, and a new election ordered. Upon investigation of the same facts which we would have to investigate here, a new order was made out, authorizing them to take their seats. The presumption of law is that the General commanding was satisfied that these gentlemen were rightfully members of this body.

Mr. McCLURE. I would say, that General Ord has no authority to determine that question. The Convention determines, for itself, who are members and who are not.

Mr. CYPERT. I do not wish to enter into an argument on this subject, at all; but I will read a section of the first Supplementary Reconstruction Act.

> "SEC. 4. *And be it further enacted*, That the commanding general of each district shall appoint as many boards of registration as may be necessary, consisting of three loyal officers or persons, to make and complete the registration, superintend the election, and make return to him of the votes, list of voters, and of the persons elected as delegates by a plurality of the votes cast at said election; and upon receiving said returns he shall open the same, ascertain the persons elected as delegates, according to the returns of the officers who conducted said election, and make proclamation thereof; and if a majority of the votes given on that question shall be for a convention, the commanding general, within sixty days from the date of election, shall notify the delegates to assemble in convention, at a time and place to be mentioned in the notification, and said convention, when organized, shall proceed to frame a constitution and civil government according to the provisions of this act, and the act to which it is supplementary; and when the same shall have been so framed, said constitution shall be submitted by the convention for ratification to the persons registered under the provisions of this act at an election to be conducted by the officers or persons appointed, or to be appointed by the commanding general, as hereinbefore provided."

I hold that that section clearly points out the mode in which a *prima facie* case comes before this Convention,—namely, upon the member's bringing the *prima facie* evidence of his election, whereupon he becomes entitled to his seat. If, however, he has perjured himself, in order to become qualified under the law, that is another matter, and might be investigated under other and different proceedings. I am not going to contend upon the question of the right of this Convention to investigate that matter; for before the claimant could receive a certificate from the General, he must, according to another clause of the Act, which I have not read to the Convention, be a registered voter. The certificate is *prima facie* evidence of his registration; for all these records are before the General. If the claimant be charged with having perjured himself, in order to place himself in the attitude of a registered voter, I do not know but this Convention might enter into the examination of this question. That, however, is not the question now. It is, simply,—shall these members be sworn in? and they have presented the same *prima facie* evidence that has been presented by every member who now occupies a seat on this floor.

Suppose a quorum should meet here, composed entirely of one political party, with no one to investigate their credentials, however informal, and should assume that they were the duly qualified members, and invested with authority to judge of the credentials of all others. In that case, we should have no gentlemen of the other party admitted here. You see, immediately, how preposterous it is to deny, to a person presenting the *prima facie* evidence of his qualification, his claim to an immediate seat. He can be ousted, whenever due reason shall appear; but until there is something before the Convention, to call in question the *prima facie* evidence presented by the certificate of election, the member must be sworn in.

The question being upon the substitute offered by Mr. KYLE,

Mr. CYPERT asked for the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative,—Yeas 29, Nays 31, as follows:

YEAS: Messrs. Bradley, Corbell, Cypert, Duvall, Exon, Gantt, Grey of Phillips, Harrison, Hatfield, Hollis, Hodges of Crittenden, Hoge, Houghton, Kyle, Langley, Matthews, McCown, Owen, Portis, Priddy, Puntney, Rawlings, Reynolds, Shoppach, Sims, Van Hook, Walker, Wilson, and Wright—29.

NAYS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Dale, Evans, Gray of Jefferson, Hawkins, Hinds, Hinkle, Hodges of Pulaski, Hutchinson, Mallory, Mason, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Poole, Rector, Sams, Samuels, Scott, Smith, Snyder, White, Williams, and Wyatt—31.

So the substitute was rejected.

Pending the call,

Mr. SAMS asked to be excused from voting.

No objection being made,

Mr. SAMS was excused.

Before the vote was announced:

Mr. GANTT having occupied his seat,

Mr. CYPERT asked leave for Mr. GANTT to have his vote recorded.

Mr. HODGES, of Pulaski, moved a call of the house.

Mr. REYNOLDS rose to a point of order: a call of the house could not be taken pending the calling of the roll.

The PRESIDENT sustained the point of order.

Messrs. BROOKS and McCLURE argued for the regularity of the call of the house.

Mr. REYNOLDS rose to a point of order. The President had given his decision, and no appeal had been taken. Debate was plainly out of order.

The PRESIDENT stated that his decision had been given upon the ground that the Chair could find no authority sustaining the right to a call of the house, pending the call of the roll. The Chair would gladly receive the suggestions of members upon the subject.

Mr. BROOKS insisted that a call of the house was in order at all times.

Mr. CYPERT renewed the point of order. The debate was clearly irregular, and the object of the delay was transparent.

Mr. GANTT recorded his vote in the affirmative.

Mr. SAMS desired to record his vote in the negative.

Other members having recorded their votes,

The result of the vote was announced, as above.

The question then recurring upon the motion to refer the credentials to the Committee on Elections,

Mr. CYPERT said: I did not intend to make any argument on this question: but if there is any fairness to be exercised here, I do hope that gentlemen will consider the attitude in which they are placing themselves. Never has there been a precedent for sustaining a proposition like that now before this body. I think that no gentleman can show a precedent for referring credentials, proper upon their face, to a committee. I repeat, what I have before insisted upon, that the credentials constitute the *prima facie* evidence of title to a seat; and that the certificate of election constitutes, in this case, the credentials. *Prima facie* evidence may always be set aside after the party has taken his seat. But we have no contestant here. I do not wish to refer to unpleasant circumstances; but here it becomes necessary. Two members have been admitted here without any credentials at all. I made no contest about it, as I had no wish to interfere with the matter. But it is a fact that two members have been admitted, whose election was declared *void*, and a new election thereupon ordered. There was no contestant; and I, for one, did not feel disposed to interfere until some contestant presented himself, upon the new election. Now, gentlemen present themselves, furnished with new credentials, and are denied their seat; while others can come without any credentials whatever, and, upon the mere evidence of certain individuals, are admitted to their seats without so much as a proposition to refer the matter to a committee.

Mr. HODGES, of Pulaski. I rise to a point of order. I would ask whether the gentleman is correct in the statement that any such occurrence as he mentions has taken place?

Mr. CYPERT. I have been so informed, by a gentleman who has his seat here.

The PRESIDENT. The Chair will make an explanation. Yesterday, at half-past ten in the morning, Special Order No. 3, revoking the credentials of the delegates from Ouachita County, was delivered to me, by an orderly; being the first notice the Chair had received on the subject.

Mr. CYPERT. I did not know how it was that these gentlemen were admitted, or that they had not regular credentials.

The PRESIDENT. The Order is dated January 4th; but was not received by the Chair until yesterday.

Mr. CYPERT. I did not know the condition of things; nor had I any disposition to dispute the matter; but there were gentlemen upon this floor who did know the condition of things, and no objection was made. But now, when these gentlemen from Ashley present themselves, with regular credentials, they are denied their seats. It occurs to me that this state of facts may arise from political motives. I do not know that it is so—it merely occurs to me. But I had hoped that there were gentlemen here, sufficient in number to sustain, as many will, the rules of propriety and order, in a body of this kind.

I shall vote against the motion to refer.

Mr. BROOKS. I shall detain the Convention with a single word. As I took occasion to say that the proposed action was not without precedent, and the honorable gentleman on the other side of the house questions our ability to furnish any, I will only say that in the case which arose before the House of Representatives of the Fortieth Congress,—the case of McKee, who was the contestant, the other party holding the regular credentials,—the credentials of the member contesting the seat, with all the papers, *et cætera*, were referred to the Committee on Credentials, and the party holding the credentials was not permitted to take his seat. In the other case referred to, there was no question of contest; and, in one case,—that of General Crittenden,—none as to loyalty. But under the circumstances, the House of Representatives felt fully authorized to refuse seats to all the members. I refer especially to the case of McKee.

Mr. CYPERT. With reference to that particular case, I would state that the party contesting gave notice of his intention to contest, and the matter was regularly referred to the House. In the present case there has been no notice of contest, and the gentlemen have come here without any idea that their admission would be disputed.

But I have another precedent, in the case of General Shields, who, a number of years ago, was elected a Senator of the United States from Illinois. It was contended that he had not been a citizen of the United States for the requisite number of years. He was allowed to hold his seat until the matter was determined; and in order to decide upon his qualifications, the evidence was all referred to a committee, after he had taken his seat.

Mr. HOGE. I see no analogy between the case cited and the present one. We meet under extraordinary circumstances. No body has ever assembled in Arkansas, between which and this Convention a comparison can be made. We go to the military commander to get our credentials; and from his decision we have no appeal. So, at least, I had supposed. If gentlemen claim that we can override the military, and if that position be correct, I move, as an amendment, the appointment of a committee to inquire into the conduct of the commanding General, and, if he has exceeded his powers, that we reprimand him.

Mr. BROOKS asked for the yeas and nays upon the amendment proposed by Mr. HOGE.

Mr. HOGE. My position is this: that we cannot go back of the military authority; but if the Convention is to assume the privilege of denying these gentlemen their seats, then, upon that ground, I submit the proposition for a committee of inquiry.

Mr. HODGES, of Pulaski, renewed the call for the yeas and nays, upon the amendment of Mr. HOGE.

Mr. HOGE, by consent, withdrew the amendment.

Mr. GANTT asked for the yeas and nays upon the motion to refer to the Committee on Elections.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative,—Yeas 45, Nays 19, as follows:

YEAS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hinds, Hinkle, Hollis, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Kelly, Kyle, Langley, Mallory, Mason, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Poole, Priddy, Rawlings, Rector, Rounsaville, Sams, Scott, Smith, Snyder, Van Hook, Wilson, White, Williams, Wyatt, and the President—45.

NAYS: Messrs. Bradley, Corbell, Cypert, Duvall, Gantt, Harrison, Hodges of Crittenden, Hoge, Matthews, McCown, Owen, Portis, Puntney, Reynolds, Samuels, Shoppach, Sims, Walker, and Wright—19.

So the credentials of Messrs. MOORE and NORMAN, delegates from Ashley County, were referred to the Committee on Elections.

Pending the call of the roll,

Mr. WILSON said: If I vote Aye, I do so in the hope that this question, by being referred at once, may be settled without delay.

OUACHITA COUNTY ELECTION.

The PRESIDENT announced that he had received, from the General commanding the Fourth Military District, an official copy of the following order:

HEADQUARTERS FOURTH MILITARY DISTRICT,
(Mississippi and Arkansas)
HOLLY SPRINGS, MISS., January 4, 1868.

SPECIAL ORDERS
No. 3.

* * * * * * * * * *

II. Official information having reached the General Commanding, since the issuance of General Orders No. 43, series of 1867, from these Headquarters, announcing the names of delegates to the Constitutional Convention of Arkansas, that in the election in Ouachita County of that State, in so far as the election of delegates was concerned, frauds and illegalities were committed—that election, so far as it relates to the election of delegates, is hereby declared invalid, and another ordered, which will be conducted as follows, and in accordance with the provisions of General Orders No. 31, series of 1867, from these Headquarters:

An officer of the Army as registrar, to be detailed by the Commanding Officer of the Sub-District of Arkansas, will, with his judge and clerk of election, after seven (7) days' notice, given by handbills distributed throughout the County, open a poll at the County-seat, to be kept open on two (2) consecutive days, from 8 o'clock, A.M., to sunset of each day, at which all registered voters of the County may vote for delegates to represent them in the Constitutional Convention. The delegates previously declared elected for that County, will not be furnished with certificates of election, nor be permitted to take their seats in Convention.

* * * * * * * * * *

By command of Brevet Major General ORD.

O. D. GREENE,
Assistant Adjutant General.

Mr. McCLURE moved that the Order be referred to the Committee on Elections.

Mr. CYPERT. I have no disposition to contest the seats of those gentlemen; but in order to preserve my consistency,—with a view of sustaining, and acting in accordance with, the programme laid down by the military authorities, for this election,—I shall vote against the reference. The question arises directly upon the military orders upon which these gentlemen must obtain their claim to their seats. I have no disposition to oust them. There is none here to contest their seats; but we are here by military authority; and if you intend to act contrary to military authority, we might be called rebels, and I don't want to be called a rebel, again.

The PRESIDENT. The Chair will state that the case is a different one from that which was presented here this morning. These gentlemen have been duly sworn in. The date of the reception of the order, I had endorsed upon the official copy itself, in order that I might not be held responsible, in any way, for the delay.

Mr. PORTIS. I am one of the members referred to. I have a certificate, here, from the President of the Board of Registration, setting forth the result of the election. I came here with that; and, after my arrival here, received this Order, directing that a new election should be held. The election is ordered to be held to-morrow or next day. I shall abide the decision of that election. Then, if anybody comes here to contest my seat, I respectfully submit, the Convention can decide the matter.

The PRESIDENT. The Chair understands that the gentleman from Ouachita [Mr. PORTIS] has been qualified as a member of the Convention.

Mr. PORTIS. I have been qualified, and have acted with the Convention since its organization.

The question was then taken on the motion to refer the Order to the Committee on Elections; and the motion was agreed to.

PRINTING OF THE CONVENTION—RESUMED.

No petitions, reports, resolutions, motions, or notices, being presented,

The PRESIDENT announced, as next in order, the unfinished business of the previous day, being the consideration of the following resolution:

Resolved: That the Committee on Printing be instructed to contract, for the printing that may be ordered, with the lowest bidder, and report their action to this Convention, for its approval.

Mr. BROOKS moved that the resolution be referred to the Committee on Printing.

The question was taken; and the motion was agreed to.

ADOPTION OF THE CONSTITUTION OF 1864—RESUMED.

The PRESIDENT announced, as next in order of business, the special order of the day; being the consideration of the Ordinance entitled "An Ordinance adopting a Constitution."

Mr. BROOKS asked for the yeas and nays.

Mr. CYPERT. If the Convention has progressed, in the discussion, as far as they desire, I wish to reply; but, as the rules require, not until all have spoken.

The PRESIDENT. Under the rule, the gentleman from White [Mr. CYPERT] will have the closing of the debate. If there are no further remarks to be made, the gentleman from White has the floor.

Mr. CYPERT. In presenting this Ordinance, Mr. President, I was actuated by the purest motives, and believed that its adoption would conduce to the best interests of the country. I have listened to the objections which have been urged against its passage; and I still affirm my belief that it should be accepted by this body. I proceed to assign the reasons in favor of its adoption.

First, it disorganizes no department of our State Government. It introduces no confusion into our State affairs. It creates no necessity for ousting gentlemen whom the people have placed in position as their servants. It confirms that which has been established and recognized, within the limits of the State of Arkansas, as the organic law of the State, for over three years. It perpetuates that form of government, in the State of Arkansas, which has been recognized by the Government of the United States, during that period. It perpetuates that form of government which has been recognized by the Government of the United States, in all its departments, in every State of this Union. For that reason, if for no other, in the present condition of the country, we should adopt the present Constitution of the State. We have learned its workings. We know what it requires of us. We know what officers are employed under it. We know how to govern the State under it, and have just begun to become accustomed to the new order of things, established under its provisions, which has been the result of the late rebellion.

In order to establish my position that the present Constitution has been recognized by the General Government, I shall be obliged to recapitulate some things which have been already said upon this floor, and shall necessarily have to refer to arguments of gentlemen of high authority. If the State Government of Arkansas was not a government *de jure*, how is it that, to-day, the State is apportioned into districts of one of the circuits of the United States Circuit Court? The acts of the Circuit Court of the United States, sitting in Arkansas, are recognized by the highest judicial authority known to our Government. The State of Arkansas, then, was, *de jure*, a State government, when the Supreme Court of the United States apportioned its territory into districts of the Circuit Court. The Court is actually held here. Appeals from its decisions go up to the Supreme Court of the United States, its jurisdiction is acknowledged, and the cases are in every respect examined like those coming from the districts of any other part of the country. The State of Arkansas, then, has been recognized by the highest *judicial* authority of the United States.

I assume, and no gentleman here will dare deny, that the *Executive* of the United States has recognized the existence of a State government *de jure*, here. If, then, our State government has been recognized, as *of right*, by two of the departments of the United States Government, surely it ought to be so recognized by us. If a State government has been recognized by the Judicial and Executive Departments of the General Government, I say that Congress has no right to disregard it. And if so recognized, all the proceedings under the present Reconstruction Acts, which force us into the peculiar attitude in which we find ourselves placed, are outside of the Constitution of the United States, and null and void; and no man here to-day is bound, if he has sworn to support the Constitution, to violate his oath by carrying out proceedings based on measures thus adopted outside, and in contravention, of that great fundamental law of the Government.

I have thus far assumed that gentlemen were correct in their assertion that Congress has in no manner recognized the present State Government. That it has been recognized by the National Executive, is, I believe, undisputed. I do not believe that any gentleman will deny that the Supreme Court has recognized it as a government *de jure*. But it is contended that Congress, by refusing to receive our representatives, has declined to recognize us, and that therefore we have only a provisional government,—a government merely *de facto*. Sir, Congress has denied that we are possessed of a State government, not otherwise than by the refusal to receive our representatives. But I will show you, on the other hand, that they have in more ways recognized us than they have disregarded us, as a duly organized State. They have recognized us by apportioning to us our portion of the direct tax, under the Constitution of the United States, which provides that such taxes "*shall be apportioned among the several* STATES," in the ratio of representation. Had they apportioned the tax to us upon the basis of our representation, they would never have apportioned any, for we *have* no representation. But by apportioning to us our share of the direct tax, they have recognized us as a "State." The Constitution authorizes no other basis upon which the apportionment can be made. They *must* have recognized our *right* to representation in Congress, in order to charge us with the tax.

Then, sir, they have recognized us in another way. They have submitted to us the proposition to amend the Constitution of the United States; the State Legislature, called under this Constitution which I propose we shall re-enact, adopted the Amendment so submitted; and that Amendment, ratified by such authority, has been accepted, by every department of the National Government, as validly adopted. I refer, of course, to the Amendment abolishing slavery. *The vote of Arkansas was counted, in making up the number of States necessary for the ratification of that Amendment.* Here, then, is the second instance of recognition.

Again, Congress recognized us by submitting another proposition for the amendment of the Constitution of the United States—that known as the "Fourteenth Amendment." That proposition was duly submitted to the State of Arkansas, and its adoption duly recommended by the Executive of the State. There is the *third* instance of Congressional recognition.

I return, now, to the second instance I have cited. If the proposition be correct, that the State of Arkansas, and other States which have been in rebellion, were not, at the time when the Thirteenth Amendment to the Constitution of the United States was submitted to them for ratification, States in the Union, then that Amendment was not properly ratified, and has never been adopted. That Amendment has been recognized, by Congress, and by all the departments of the Government, as duly ratified. Yet, I repeat, if the seceding States had no authority, *as* States, to ratify that Amendment, then a sufficient number of the States have not approved it. Upon the theory of Congress, therefore,—if that be indeed their theory,—that we have no State government, the negroes in the South have not been freed, and are not free to-day. Sir, Congress simply stultifies itself. We contend that the negroes *are* free, and that they have been made free through the action of the States lately in rebellion. I presume no gentleman will say, for one moment, here, that the negroes are still slaves. Nor will any contend that the Proclamation of the President set them free. The highest judicial tribunals of several States have rendered their decision upon that subject, to the contrary effect. But even if the Proclamation had the effect, in law, of freeing the negroes, whom it assumed to emancipate, there were still localities,—Kentucky, and elsewhere,—which were expressly excepted from the operation of that Proclamation, by the terms of the instrument itself. In those excepted sections, then, upon any hypothesis that can be formed, the blacks were not freed, unless by the adoption of the Thirteenth Amendment. Assuming, now, that ours is not a State government *de jure*, it follows that the slaves in those parts have never been set free. Sir, gentlemen must accept one or the other horn of the dilemma. You must admit that Congress is in the wrong, in the present attitude of resort to a government of force, and that the State governments in the South possessed all the elements necessary to a government of right—for this was the exercise of the highest power known to a State government, that of amending or altering the Constitution of the United States; or you must admit that the Amendment so ratified is no part of the Constitution of the United States. I say, it is the highest power which a State, in its corporate capacity, can exercise, to assist in amending the organic law of this great, glorious, and reverenced Republic. If we have power to exercise the crowning act of State authority, we surely are competent to exercise any and all others.

By what right, then, does Congress ravish us with military force, in order to prevent the exercise, by the State Government, of its own volition? In the enumeration of the powers of Congress, we find no grant of such authority. We find that in time of invasion and rebellion, martial law may be proclaimed. Did any invasion, any rebellion, exist at the time of the passage of this Military Bill? No gentleman in this house will dare affirm there was, unless he is callous to truth. Who was in arms in the State of Arkansas, on the 2d of March, 1867? Where was there a body of men, or a single man, in rebellion? Where was there an armed force resisting the laws of the United States? There was none here; nor was there in any Southern State. The gentleman alluded to my use, the other day, of the word "liar," or "falsehood." I used this expression,—that Congress, in order to found a claim of right to do an unusual thing,—in order to travel outside the Constitution,—prefixed, as preamble to their Reconstruction Act, a falsehood, on which to base their unconstitutional measures.

> "Whereas no legal State governments, or adequate protection——"

That is disingenuous. They might have said, no adequate protection existed in *some* of the reorganized States, and it might have been true. But they join a statement which might have been partially true of some localities, with another, totally destitute of truth, and concoct a double statement, in which the truth shall help carry off the error.—

> "Whereas no legal State governments or adequate protection for life or property now exists in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas; and whereas it is necessary that peace and good order should be enforced in said States until loyal and republican State governments can be legally established: *Therefore*—
>
> "Be it enacted—."

Well, sir, if this be true, if no legal State governments exist in these ten named States, then I say to the negroes in Kentucky, Western Virginia, and portions of Louisiana, they are still slaves in law; since the instrument by which they were proclaimed emancipated, has never become a portion of the Constitution.

Sir, in my opening argument I asked gentlemen to show any authority, upon their hypothesis, for the announcement of the ratification of that Amendment; and *not one* has so much as *attempted* to produce it. All the argument which they have attempted to bring forward, has consisted in mere allusions to the general history of the country, and in the use of the phrases, "rebellion," "secession," and "disloyalty"—the old cry in times of rebellion. That old cry of "Rebel!" "Disunion!" "Disloyal!" has comprised the beginning, middle, and end, of the entire argument offered.

Not one gentleman has undertaken to say whether the present government of Arkansas is a State government, or not; none has attempted to say whether it is republican in its form. It was assumed, however, by a gentleman on the other side of the house, that I was incorrect in my ideas of the history of my country; that at the time of the adoption of the Constitution of the United States, the negroes were allowed a vote upon the question of ratification, in every State except South Carolina. Now, this is my reading of that transaction. When the Convention had adopted the Constitution, it was submitted to the States, in their capacity as corporate bodies, and not to the people, to ratify or reject. The State of North Carolina rejected it, and for three years hesitated to enter the Union. And I now assert that the State of North Carolina was the only one, at that time, which permitted free negroes to vote at its elections; and even there, they could vote for Senator only, in case they were freeholders. And she, mark you, rejected the Constitution. In 1836, the law of North Carolina in that regard was changed. So much for that position.

It is said that the Constitution of 1864 is to be rejected, not because it is not essentially the same with that of the other States of the Union, but simply because it does not give the elective franchise to the negroes. That is the only argument employed. One gentleman [Mr. Brooks] said he was not a proscriptionist—he was for enfranchising *all* classes. I know the gentleman is mistaken. I know that he is in favor of proscribing individuals. "Ah!" he will answer me, "but that is only a punishment for rebellion, incurred because those so proscribed have proven themselves unworthy." But where do you get the authority to judge of a man's crimes? Are not the courts of the country open for their trial? and does not the Constitution of the United States award to every man accused of crime a trial by his peers, to determine the question of his guilt? It does not allow you to say what punishment shall be inflicted upon individuals, for crime. If you have a right to assume that I have committed treason, you have a right to assume that I have committed murder. Legislative bodies have no power or authority whatever, under our form of government, to investigate such questions. Again you travel outside the Constitution of your country.—No proscriptionist is this gentleman; he is extremely liberal! He mistakes his own nature! I know he is a proscriptionist. I know he is illiberal. I know he has assisted in excommunicating members of the denomination to which he belongs, on account of their political opinions.

Mr. BROOKS. I rise to a point of order; and I should be gratified if I might also—since I seem to be personally alluded to,—ask the gentleman for his specifications. He made that remark the other day, in his address—I supposed it to refer to myself,—that I had assisted to exclude persons, on political grounds, from the communion of the Church, in the ecclesiastical denomination of which I am an unworthy minister. I not only make a point of order, that remarks of that personal character, in this body, are out of order, but I allege that the gentleman is wholly misinformed; that there is no shadow of a shade of truth, to justify such a remark, in the history of twenty-five years of my connection with the Church.

The PRESIDENT sustained the point of order.

Mr. CYPERT. I desire to keep within bounds, and do not wish to do any gentleman injustice.

I turn from my partial digression, to resume the consideration of the argument that we ought not to adopt the present Constitution, for the reason that it fails to extend the elective franchise to the negro race, whereas they are entitled to it as a portion of the inhabitants of the country. I repeat what I said the other day, that the elective franchise is always confined to a class. To confirm my views, I recite the language of one of the foremost advocates of free government in history, that of Thomas Jefferson,—I quote substantially—that "a republican form of government is based upon the virtue and intelligence of the people; hence the necessity of awarding *to classes* the elective franchise." What were those classes? The voters must be twenty-one years of age. They must be citizens; and must possess still some other qualifications. It has never been the case that all classes were allowed to vote. The very word "franchise," as every lawyer will bear me out in saying, means a *particular*, and not a general right. It is not a franchise that belongs to everybody. I say, then, that, under the doctrine of Jefferson, the elective franchise has been awarded to classes, *for the purpose of perpetuating a republican form of government*, and as *indispensable* to the attainment of that end. For it was only reasonable that the privilege of the ballot should be withheld, from negroes, or from any other class, not citizens of the United States, destitute of a knowledge of the principles and workings of our government, and not by nature qualified to exercise with sufficient judgment the privilege of the ballot. That privilege was consequently restricted to white men, citizens of the United States, and twenty-one years of age. That is the class known, to all the States, as voters. In some States there are some other classes who, under certain restrictions, are permitted to vote; but the class to which I refer exists in all the States. Now I know, *and every man in this house knows*, that, as a class, young men of the white race, from twelve to twenty-one, are more competent to exercise the elective franchise, than the negro race in the South. There is not an unprejudiced man in this house, but knows this to be true. Then why do you propose to enfranchise the negro race, as a class, and to keep unenfranchised the class of whites from twenty down to twelve, *known* to be more intelligent, and to be better informed concerning our form of government? What is your object? What can be the motive? I will tell you, sir! I was told, by one of the Republican members of this body, yesterday morning, or the evening before. In the course of conversation with him, on this subject, he told me, plainly, the motive. I asked him, as a citizen of Arkansas, whose interests were identified with those of the State,—"Your interests are all here; you want to perpetuate the government of the State and of the country, of which you are a citizen: why introduce an element, the introduction of which you must *know* will tend to the ultimate dissolution of that government?"—"WE WANT THE NEGRO VOTE, TO CONTROL YOU REBELS!"

Mr. WYATT. I am the man you were talking to.

Mr. CYPERT. You are the man.

Mr. WYATT. That's what *I* want it for! [Laughter and applause.] [*In his seat.*] I want it, to control just such men as you!

Mr. CYPERT. Is it a pure motive? *I* am not a rebel to the Constitution of the United States, nor to the United States Government; and never was. I am a rebel to fanaticism! [Applause from the left of the hall.] I am a rebel against oppression! [Applause.] I am a rebel against the proscription of my race! I am a rebel against tyranny, forever! [Renewed applause from the left.] [To Mr. WYATT.] Are *you* that? *Are you that?* But I am loyal to the Constitution of the United States; I am loyal to the State of Arkansas; I am loyal to all the powers of our Government, and never would violate a law. I have never been, I have never felt, otherwise. I rebel against certain politicians; against politicians who have no benefits to extend to their constituents. Is it a pure motive, that leads us to seek the aid of ignorance, in order that we may overcome, put down, and destroy, men whom we may consider rebellious? If you oppose Congress, and the Republican Party, you are a "rebel!" Loyalty, in the lexicon of some gentlemen, means, fealty to the Republican Party —nothing more than that, and nothing less. I have, since I have been in the city of Little Rock, heard members of the Republican Party called rebellious, because they did not want to swallow everything that certain Radicals wanted to cram down their throats. "You rebel, you!" "You rebel, you!" In Radical parlance, if a man opposes the Radical Party, he is "disloyal!" It is "played out!" Is the proposition of the gentleman from Searcy [Mr. WYATT], a laudable one? Will he admit to the ballot a class universally admitted to be incompetent to exercise intelligently the elective franchise, simply in order to vent his party spleen upon individuals? Is it laudable, or patriotic? Do you love your country better than yourself? Do you desire to perpetuate the institutions of our country to your posterity, or do you wish to keep up commotion and strife within its limits, forever? If this is your wish, it is not a patriotic one. The *sole* desire of the *patriot*, in civil matters, is for the prosperity of his country,—for the transmission, to posterity, of the institutions handed down to him by the founders of the Government.

Again, I contend that the negro race, as a class, should not be permitted the exercise of the elective franchise, for the reason that they are not citizens of the United States. While I am a citizen, and sworn, as I am, to support the Constitution of the United States, I cannot violate that oath in order to enfranchise them. Does some gentleman ask, "Why? Are they not born here?" Yes. "Why, then, are they not citizens?" It is enough, for me, that the highest judicial authority known in the United States has decided that they are *not* citizens. And that, Congress has declared, by submitting to the States the Fourteenth Amendment to the Constitution. Sir, is it not a most remarkable proceeding, that a class of persons should be used as instruments *to make themselves* citizens of the Union, whether the present citizens want them or not? Is it not remarkable, I repeat, that such a class should be permitted by their own acts to install themselves as citizens? Suppose that Germany were to send hither, at once, a sufficient number of her people to constitute a great power in the hands of a political party; and that they would not wait for the ordinary process of naturalization; but Congress, wanting their votes, should immediately declare that all the States were in rebellion, and no legal government existed within their borders, and should thereupon order an election, in which these Germans should have the privilege of *voting to make themselves citizens.* Would it not be considered a somewhat remarkable proceeding? If these men are not now citizens of the United States, we cannot afford them the right of citizenship, until we shall have changed the Constitution. And we have *not*, yet, in that regard, changed the Constitution.

I must advert to one view of the subject, which may seem remarkable, and new, to gentlemen on this floor. We are under the domination of crowned heads. We have for four years been under the domination of crowned heads. What abolished slavery? England and France said, "The Southern States are making this war in the interest of slavery; on that ground we are unwilling to recognize the Southern Confederacy; but if you, the United States, are sustaining slavery, we may as well recognize the South." President Lincoln thereupon issued his Proclamation, and upon exactly that ground. Had that Proclamation not been issued, those great powers would within sixty days have recognized the Southern Confederacy.

This was not all. The English Chamber of Commerce entered upon the undertaking of procuring the production of cotton elsewhere than in America. They have acquired such a foothold, in that undertaking, that it is, to-day, impossible for us successfully to compete with them. They patted the Abolitionists on the back. They thought the Abolitionists would destroy the system of labor by which cotton was produced in the United States, and that then the very competition, till then impossible, which now keeps our cotton at its present prices, would be rendered practicable. That was accomplished; but still they were not satisfied. The war closed too soon for their purposes. A system still existed here, by which we would quickly have been able to resume, to a great extent, our relative position to the powers of Europe. If they were to maintain their ascendency, something must be done. Our natural advantages could be counterbalanced only by some measure which should practically *stop* the production of cotton in the Southern States. "Cotton," said they, "has been their king. We must destroy their king." The destruction of the system of labor that produced the cotton of America, had still left Europe unable to compete with us in time of peace. Then took place an occurrence without a precedent in the history of the United States. The British Minister at Washington was invited to go before the Committee of Ways and Means, at Washington, for consultation upon this subject. He wanted seven cents tax upon cotton. The Committee couldn't go that. "How much can you go?" "We will give five cents a pound." The bill was so reported. There were members of Congress still unwilling to do this. They were willing to "punish rebels," but not to destroy the commerce of America. The tax was reduced to three cents per pound. And that protection to the European production of cotton, has been kept up, not for the benefit of the United States, but to gratify the prejudices of members, in the punishment of rebels. The result is, the country is prostrated, her commerce is ruined. The "king" of commerce is killed. We can never again compete with the European production. The Republicans may talk as they please of sympathy for the negro race; my sympathy is for the country, and for the country's good. When we shall have destroyed our commerce, and brought on a repetition of internal strife, Europe may reach over her arm, and say,—"Go in!" That is the situation we are in. Thither we are driving, as fast as the Radical Party can push us to the wall. We protect the European production of cotton. I want the negroes to understand me. They produce cotton. They have been the partners of men who have produced it. I say to them,—you pay, to the Government of the United States, fifteen dollars on every bale you raise. The Congress of the United States pretend to be your friends. Since the time of which I have spoken, you have paid to the United States, fifteen dollars on the bale, which is just about as much as the cotton, now-a-days, is worth. And yet that very Government, which was thus unnecessarily imposing that exorbitant tax, pretended, all the while, to be your devoted friend. If voting costs you fifteen dollars on every bale you raise, don't vote!

These are facts, which cannot be denied. I assume them as true, and can produce the proof. I challenge any man to deny them. The tax last year was fifteen dollars. It was then reduced to twelve and a half dollars. And yet, this is the glorious Republican Party! I have shown you how the result was arrived at,—it was through the influence of crowned heads, acting upon the prejudices of the party dominant in Congress. I don't want to tickle any class of men, in my country, on one side, and stab them on the other. I don't want to amuse the negro race in the South, with the idea that I am trying to fight for their enfranchisement, and at the same time to put in my pocket everything they make, and so to keep them poor, and keep them under me forever. I want to extend the protection of the law to them. I do not wish unnecessarily to tax their labor. That labor was once their masters'. It was then common for negroes to raise four bales to the hand. At fifteen dollars *per* bale,—supposing that each man raises the same amount at present,—you pay every year, to the Government of the United States, for this glorious privilege of suffrage, sixty dollars,—almost as much as a negro would hire for. You are, then, transferred from your former masters, only to become slaves of the dominant party,—who, as I have said, tickle you on the one side and stab you on the other.

But we were told, from the other side of the house, that we owe the negroes a debt,—that they went honorably into the army, and fought for the Union, and that they bared their bosoms and shed their blood upon every battle-field. It was beautiful oratory! What did they know of patriotism, sir? They were not told that they were to fight to perpetuate the Union. Had the Union been perpetuated as it was formed by our fathers, they would still have been slaves. No! They were told,—"We will make you free; for we hate your masters." *They* were told to hate their masters. I say to their representatives on this floor,—the Government formed by our fathers made you slaves—you were not fighting for the Union—you were fighting for what you supposed to be a nobler cause,—it was for your own freedom. The lovers of the Constitution and the Union owe you no debt because they set you free.

Have we not paid every debt we owe, even were any due? Although the labors of the black race in this country have for generations been given to the white man, have they not been amply compensated by the corresponding benefits returned? Where was your race? From what condition did we take you, to bring you hither? You sought not the change. You sought not Christianized society. In what state are your brothers in Africa, to-day,—those who are in the same condition from which your fathers were taken, when brought to America? I will read from a work written by Mr. Baker, an English subject, an opponent of slavery in all its forms. He visited Africa to explore the sources of the Nile; and his work presents a candid statement of all that he witnessed in the course of his travels:

"The black man is a curious anomaly, the good and bad points of human nature bursting forth without any arrangement, like the flowers and thorns of his own wilderness. A creature of impulse, seldom actuated by reflection, the black man astounds by his complete obtuseness, and as suddenly confounds you by an unexpected exhibition of sympathy. From a long experience with African savages, I think it is as absurd to condemn the negro, *in toto*, as it is preposterous to compare his intellectual capacity with that of the white man. It is unfortunately the fashion for one party to uphold the negro as a superior being, while the other denies him the common powers of reason. So great a difference of opinion has ever existed upon the intrinsic value of the negro, that the very perplexity of the question is a proof that he is altogether a distinct variety. So long as it is generally considered that the negro and the white man are to be governed by the same laws and guided by the same management, so long will the former remain a thorn in the side of every community to which he may unhappily belong. When the horse and the ass shall be found to match in double harness, the white man and the African black will pull together under the same regime. It is the grand error of equalizing that which is unequal, that has lowered the negro character, and made the black man a reproach."

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"In childhood, I believe the negro to be in advance, in intellectual quickness, of the white child of a similar age; but the mind does not expand; it promises fruit, but does not ripen; and the negro man has grown in body, but has not advanced in intellect. The puppy of three months old is superior in intellect to a child of the same age, but the mind of the child expands, while that of the dog has arrived at its limit. The chicken of the common fowl has sufficient power and instinct to run in search of food the moment that it leaves the egg, while the young of the eagle lies helpless in its nest. But the young eagle outstrips the chicken, in the course of time."

These are very legitimate comparisons, and correspond exactly with the result of my observations of the negro race. The precocity of the negro child is greater than that of the white—I know it from having seen them play together. They pick up more quickly whatever knowledge reaches the child through the natural organs of sight and hearing. But the mind of the Caucasian race expands, looks to the future; it leaves edifices behind it, it builds governments and kingdoms, it rears structures that stand forever as monuments of the race. When was that ever done by the African? I mean, the negro. There are African races who are not negroes. But where has the negro ever so much as attempted this? Wherever he has made the effort, it has been an egregious failure. There are shoots that come up, exceptions to the general rule. I speak of classes. The occasional exceptions are sometimes remarkable; but I speak of the race as a class.

The conclusion, then, at which I arrive, is this. Let us afford to them the protection of the law; but let us not give them a privilege the exercise of which would be their inevitable destruction. Let us not continue, as Mr. Baker says, that thorn in the flesh of the community. Let us afford them the same protection that our wives and our daughters have,—the right of liberty, the right of property, and of the pursuit of happiness. Let us afford to them the same rights enjoyed by the white man under the age of twenty-one. Let them be as minors. They *are* nothing but minors, as yet; and when they have proven, to a dispassionate people, that they constitute a fit element for incorporation into our political body, it will then be ample time to bring them in. Why ask the State of Arkansas to do that which has not been done by the States where the resident negroes have not so recently been given their freedom? In those States the negro race is much more competent to the exercise of the elective franchise, than with us. They are better educated. Yet, as a rule, they have been denied the privilege of suffrage. Many of the most undoubtedly loyal States of this Union have but recently, on an issue distinctly presented, refused to extend the franchise to a class of blacks decidedly more intelligent than those of Arkansas. Why do you ask us to do it? It can be from no other motives than those avowed by the gentleman from Searcy. I have hoped that the majority of this Convention were not ready to act from so impure and prejudiced a motive, a motive prompted by the worst passions of human nature. Sir, let us extend to those erring brethren who went into the rebellion, the hand of forgiveness. Let us not do another wrong for the wrong they have done. Let us make them our equals. Let us extend charity to them. Let us not affix a punishment to a crime not known to the law when the law was made. If we do so, we violate the Constitution of the United States, and the oath imposed upon us, to support that Constitution. We took that oath. I took it gladly, for I love the Constitution of the United States. I will not violate that oath by my consent to an *ex post facto* law.

I had intended to say more; but my physical strength is failing, and I shall have to desist. But I must appeal to the citizens of Arkansas, I must appeal to you, for the sake of posterity, in the name of everything that is sacred to an American citizen, not rashly to allow your prejudices to run you into madness. I appeal to you, in the name of our common country, in the name of God, who has set His stamp upon the different races of mankind,—let us not do a thing which God Himself, in His revelation of Nature, has forbidden. Let us not attempt to render homogeneous, races essentially dissimilar and unequal. Our fathers made a government for the white man. Let us govern it. And if the African race in our midst are fully protected in their legal rights, they enjoy all the benefits which of right belong to them in our country, and all the essential benefits of freedom. If they are not satisfied with that, and want a country of their own, let the Government, in some reasonable way, prepare a home and a government for them. Let us not have, forever, a thorn in our own sides—a bone of contention in our midst. I do not believe that to bestow a proper education upon the colored race, and to purchase for them a soil fitted for their nature, there to live, and, if they would, to prosper, would require the amount of money that it has taken to keep up a military government, and to hold us under Radical rule, since the surrender. Give them, when placed in such a situation, a year's subsistence, and all the necessary implements of industry. I want them to prosper. But I know, from the examples of history, that as long as we hold them among us, and keep them as a bone of contention in our political affairs, they will remain a thorn in our side. I do believe the inevitable result of the rule of the Radical Party, will be the devastation of our country, and utter ruin to the African race among us.

INCIDENTAL EXPENSES.

Mr. HINKLE [*Mr.* BRADLEY *in the chair*] asked leave to offer a motion that the Doorkeeper be authorized to purchase brooms, for the purpose of keeping clean the floor of the capitol; and that the expense of the same be defrayed from any moneys which might be appropriated to the payment of the contingent expenses of the Convention.

No objection being made to the introduction of the motion,

The question was taken; and the motion was agreed to.

Mr. HINDS moved that the Convention adjourn.

The question was taken; and the motion was agreed to;

And thereupon, at 1, P. M., the Convention adjourned to 10, A. M., of Friday, January 17th.

NINTH DAY.

FRIDAY, *January* 17*th*, 1868.

Convention met at 10, A. M.

Prayer was offered by the Chaplain.

The roll was called; and a quorum of the members of the Convention answered to their names.

The Journal of the preceding day was read and approved.

COUNTY-SEAT OF LITTLE RIVER COUNTY.

Mr. SCOTT offered the following Ordinance:

Be it ordained by the People of the State of Arkansas, in Convention assembled: That the County-seat of Little River County be located at Rocky Comfort, in said County, and that said location shall be permanent, unless changed by a vote of two-thirds of the registered voters of said County.

That the County Court of said County be authorized at any time to order an election to ascertain the will of the people of said County; *provided*, that no two elections shall be ordered or held within seven years of each other.

In case the said Court shall order an election, the vote shall be taken "for removal," or "against removal."

In case two-thirds of the registered voters in said County vote for removal, the County Court shall then proceed to order an election for three Commissioners to locate said County-seat; who, upon receiving their certificates of election from the Clerk of the County Court, shall proceed to locate the said County-seat, without unnecessary delay.

Mr. HINDS moved that the Ordinance be referred to the Committee on Memorials and Ordinances.

The PRESIDENT. The Chair is inclined to believe that ordinances should take the same course as bills.

Mr. HICKS. I believe we came here for the purpose of establishing the organic law of the State. This appears to be a subject rather for legislation. I would like to know whether we are a legislative body, or a convention? If we are to legislate on subjects of this character, and make such legislation a part of the Constitution, there will be nobody in the State able to understand the Constitution when we get done.

The PRESIDENT. The Chair presumes it is perfectly competent for the Convention to pass an ordinance.

Mr. KYLE. I intend, before taking my seat, to move to refer that Ordinance to the Committee on the Judiciary. And I shall do so for the purpose of ascertaining whether this Convention proposes to enter upon a course of general legislation. I had supposed that we had come here for the purpose of revising the State Constitution. I am aware that some questions will arise before us, which will require something of legislation. But with reference to all questions that should properly be presented for the action of the people through their legislative body, I hold that, unless for some good and sufficient reason, we should confine ourselves strictly to the object for the accomplishment of which we were called together. If we propose to go into a system of legislation, and to do everything that may be proposed, in that line, there is no telling how long we are to stay here, or what is to be done. I do hope that the Convention will go to work, revise the State Constitution,—the legitimate object which the people sent us here to effect,—accomplish our work, present it to the people, for their consideration; and so provide that in case of the ratification of the Constitution, a Legislature may be elected, to come here and legislate for the State. Let us, as the nearest path to the accomplishment of all desirable legislative measures, set the proper machinery of legislation at work, as speedily as possible, and not remain here, legislating, ourselves, upon subjects over which, as I believe, we have no control.

For these reasons I move to refer the Memorial to the Committee on the Judiciary, in order that we may have a report from that Committee, upon that identical point,—whether we are to legislate, here, for the whole State, upon every question of a legislative character that may be brought before us, or whether we are simply to revise and amend the Constitution, submit it to the people, and go home.

Mr. HODGES, of Pulaski. I, for one, do not believe we have any legislative powers of this kind; and for that reason I do not wish to enter into the merits of the question. I think that if there is any legislation needed, under this Constitution, the sooner we get the Constitution completed, and submit it to the people, the sooner the legislation will be accomplished. That is all the speech I have to make on the subject.

Mr. BROOKS. I suppose there is no room for controversy upon the subject. We propose to exercise legislative functions, so far as may be necessary in order to carry out the purpose of framing and submitting a Constitution, and so organizing a government for the State—so far and only so far. I think we are wasting time in discussing the merits of the question, upon the subject of reference. The consideration of the merits of the question properly belongs to the Committee on Ordinances. Let us refer it there. I think there is no question as to the course which will be taken in the matter.

The question was then taken on the adoption of the amendment; and it was not agreed to.

Mr. MONTGOMERY moved to amend by referring the Ordinance to the Committee on Miscellaneous Provisions.

The amendment not being seconded,

The question was taken on the motion to refer the Ordinance to the Committee on Ordinances; and the motion was agreed to.

LAFAYETTE COUNTY ELECTION.

Mr. MONTGOMERY presented the following memorial:

LITTLE ROCK, ARK., Jan. 16, 1868.

To the Hon. President and Members of the Convention of the State of Arkansas:

GENTLEMEN: I respectfully represent that at an election in the County of

Lafayette, in said State, for delegates to said Convention, I was elected, by a majority of six hundred votes, as one of said delegates. That said election was set aside; and that at a new election, held by order of the military commander, I received nearly all the votes cast, according to the returns made to the military commander of this Sub-District. That until returns are received from headquarters 4th Military District, the General commanding this Sub-District, cannot issue the proper certificate. I therefore respectfully request that, in accordance with the will of my constituents, so emphatically expressed, I may be admitted to a seat in the Convention.

Very respectfully,

A. M. Merrick.

Mr. MONTGOMERY. It is a notorious fact that Mr. Merrick was elected by a majority of six hundred and nine votes.

Mr. CYPERT. I rise to a point of order. Does the communication which has been read, come under the head of "notices, memorials, and ordinances?" I suppose the object of the rule on the subject of such papers is, that these matters should not be taken up when others are already pending, and unfinished.

Mr. HODGES, of Pulaski. To hasten matters, I move that the communication be referred to the Committee on Elections, with instructions to report as speedily as possible.

The PRESIDENT. The gentleman from Hempstead [Mr. Montgomery] has the floor.

Mr. MONTGOMERY. That is the motion which I rose to make. I only desired to preface my motion by the statement of some facts; and I claim the right to do so.

I say it is a notorious fact that Mr. Merrick was elected, from the County of Lafayette, as one of the delegates to this Convention. In consequence of misrepresentations, *et cætera*, his election was set aside, and a new election ordered. He ran again, and received nearly all the votes. He comes here and applies for a seat in the Convention. I have had conversation, in regard to this case, with the commanding General of this Sub-District, whom I visited for the purpose of ascertaining what might be his opinions on the matter. It is his desire and wish that the Convention admit Mr. Merrick, at once, to his seat in this body.

I therefore move that the application be referred to the Committee on Elections, with instructions to report forthwith.

The question was taken; and the motion was agreed to.

ADOPTION OF THE CONSTITUTION OF 1864—RESUMED.

The PRESIDENT announced, as next in order, the unfinished business of the preceding day, being the consideration of the Ordinance entitled

"An Ordinance Adopting a Constitution," providing for the adoption, and submission to the people of the State, for ratification, of the Constitution of 1864.

Mr. MONTGOMERY. For the purpose of keeping the old skeleton down, during the balance of the session of this Convention, and that it may not raise its head again, I move that the consideration of the subject be indefinitely postponed.

The motion not being seconded,

Mr. HODGES, of Pulaski, said: The motion does not meet a second; and I hope we may be allowed to vote upon this question, directly, and to record our yeas and nays, without any further trouble. The debate is finished; and we can vote at once.

Mr. MONTGOMERY. I think that the yeas and nays can be taken upon the question of an indefinite postponement.

The PRESIDENT. The gentleman [Mr. MONTGOMERY] is out of order, from the fact that there is not a second to his motion.

Mr. MONTGOMERY. I understood that there was a second.

The PRESIDENT. The question is, whether the Ordinance shall be read a third time.

The question was taken; and it was decided in the negative,—Yeas 10, Nays 53, as follows:

YEAS: Messrs. Cypert, Duvall, Gantt, Hicks, Hoge, Owen, Reynolds, Shoppach, Walker, and Wright—10.

NAYS: Messrs. Bradley, Belden, Bell, Beasley, Brashear, Brooks, Coates, Corbell, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hollis, Hodges of Crittenden, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Matthews, Misner, Millsaps, Montgomery, McClure, Oliver, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, Van Hook, Wilson, White, Williams, and the President—53.

So the Ordinance was rejected.

PAYMENT OF DEPUTY SHERIFFS.

The PRESIDENT laid before the Convention a communication from Major General E. O. C. ORD, commanding Fourth Military District, transmitting the accounts of Deputy Sheriffs of fifteen counties, for services rendered at the election upon the question of calling a convention and for the choice of delegates; and requesting that the Convention should take measures for the payment of such accounts.

Mr. McCLURE moved that the communication be referred to the Committee on Finance, Taxation, Public Debt, and Expenditures.

Mr. BROOKS. I have no objections to the reference. I have some remarks to make, when the subject shall be reported back, upon the intrinsic merits of the proposition.

The question was taken; and the motion for reference was agreed to.

ADJOURNMENT.

Mr. HINDS moved that the Convention adjourn.

The question was taken; and the motion was not agreed to.

LAFAYETTE COUNTY ELECTION—AGAIN.

The PRESIDENT. The regular order of business having been gone through with, there is nothing before the Convention at this time.

Mr. MONTGOMERY. I desire that, if possible, we should have a report from the Committee on Elections, in regard to the case of the members from Lafayette County.

Mr. SARBER. I would state that the Committee on Elections were in session at the time when this question was referred. None of the members were present at the session of the Convention, when the matter came up; and we have, in consequence, as yet, taken no action, and are not prepared to report. I would request that the members of the Committee be permitted to retire, forthwith, that the report may be immediately made out.

No objection being made, the members of the Committee on Elections were permitted to retire.

REDUCTION IN NUMBER OF OFFICERS OF CONVENTION—AGAIN.

Mr. CYPERT. I desire to ascertain to what committee was referred the resolution, introduced at an early day of our session, concerning the number of officers employed by the Convention.

The PRESIDENT. The resolution was referred to the Committee on Finance.

Mr. McCLURE. The resolution was referred to the Committee on Finance; and the matter stands in this condition. In the first place, there are but three Secretaries on duty,—the Secretary and two Assistants. There never have been any more, that I am aware of. After the adjournment of the Convention, the Assistants are employed with the short-hand reporter, in making out the transcript of the stenographic notes of the debates and proceedings. Their time, therefore, is fully consumed. If there are any more clerks, I know nothing about it. For these reasons, no report has been made, and there has been no necessity for making it. We could not decrease the number of officers. The others were neither present nor on pay.

Mr. KYLE. I will offer the following resolution:

Resolved: That the Committee on Finance, to whom was referred the resolution to inquire whether or not there were more officers than was necessary for the business, be instructed to report the resolution back to the Convention.

I offer the resolution, with a view of getting a report from the Committee. It has been alleged that there are more officers than are necessary in order to the transaction of the business of the Convention. If that be the case, the subject ought to receive inquiry. I do not pretend to say that such is the case. I thought, while we were engaged in the election of officers, that the number looked a rather unusual one; but I do not know whether it was so or not. As the question has been raised, and the allegation has been made that there are superfluous officers, whose retention will involve unnecessary expense to the State, the subject is a proper one for inquiry and report from the Committee.

The question was taken; and the resolution was adopted.

LITTLE ROCK AND FORT SMITH RAILROAD.

Mr. BROOKS offered the following resolution:

Resolved: That Thomas M. Bowen, W. C. Adams, and G. W. Smith, be, and are hereby, appointed Commissioners to investigate the affairs of the Little Rock and Fort Smith Railroad, with power to send for persons and papers, compel the attendance of witnesses, &c., and report to the next Legislature of Arkansas.

Mr. CYPERT. There has been an expression of the sense of the Convention,—very consistently, and entirely in accord with my own views,—to the effect that we have but one task to accomplish, and that when we travel outside of that, we are exceeding any reasonable exercise of the power we possess. I believe that the gentleman who has introduced this resolution, assumed this position. If we can go on to investigate the affairs of railroads, we can investigate anything else. If we can appoint committees to investigate the condition of railroads in the State, we can appoint a committee to investigate all the private affairs of this country. This Railroad possesses its charter, granted by the Legislature of the State of Arkansas, if there be any such corporate body in the world. And if they are exercising any authority outside of law,—incompatible, I mean, with their proper relations to the Government of the United States,—such a resolution as this might proceed from Congress, to institute an inquiry as to whether or not we are in a state of rebellion. But that we should go into such an investigation, seems to me most remarkable. Suppose I should offer a resolution to ascertain whether or not the Mail-Agent is doing his duty, and to instruct the Committee to report to Congress,—would not that be a most remarkable proceeding? We might as well do that as refer such matter to a legislature in Arkansas, which has not yet been created. This is counting chickens before they are hatched. We don't know that there will ever be a legislature of Arkansas. We don't know whether there has been any.

Mr. BOWEN. [*Mr.* SNYDER *in the chair.*] I am somewhat surprised to hear these remarks coming from the gentleman from White [Mr. CYPERT], who does not live on the line of this railroad, and has no interest in it. I do not understand how it is that he presents himself here as the champion of that Road. I live on the line of that railroad, myself, and know more of its affairs than the gentleman from White does, and, probably, more than most of the gentlemen in the Convention. While I am not in favor of our engaging in general legislation, I can see no possible objection to the appointment of a committee to investigate this matter, during the recess between the adjournment of the Convention and the assembling of the Legislature; and if the affairs of the Road are all in proper condition, the gentleman from White, and the friends of the Road, need fear nothing. If there is anything wrong in the affairs of that Road, then it is right that this Commission should be appointed. The resolution calls for the incurring of no expense whatever, and it is not contemplated to involve the State in the slightest expenditure. But it is demanded, by the people along the line of this road, that they shall know something of its affairs. The present resolution contemplates simply that a Commission shall be appointed, which shall report to the Legislature, when it shall assemble, the result of their investigation.

Mr. HODGES, of Pulaski. Is it contemplated that any expense shall be incurred in this matter?

Mr. BOWEN. No, sir; not a penny.

Mr. HODGES, of Pulaski. I do not see how persons could be compelled to attend the sessions of the Commission, unless paid fees as witnesses, or in some way compensated for their time and trouble. As far as the Commission is concerned, I suppose they would attend to the business gratuitously; but expense would necessarily be incurred, and I do not see how we could compel the presence of witnesses, without paying them mileage, and recompensing them for their time. If, as I understand, it is the intention that the Commission shall go along the line of the road, and so avoid any expense to the State, that is another thing; but it seems to me that the resolution, in its present form, needs amendment.

I move, as an amendment to the resolution, the addition of the following clause:

Provided, that no expense shall be incurred by the State, by reason of the attendance of witnesses, or otherwise.

Mr. BEASLEY. I know nothing of this railroad matter; it may be in itself important. But, sir, we are attempting, when we undertake this kind of business, to attend to affairs which we are not sent here to meddle with. We are consuming the time of this Convention, in a manner not anticipated or intended by the people. We are attending to matters over which we have really no jurisdiction. The people sent us here to frame a constitution, and submit it for their adoption; and when we begin to busy ourselves with matters purely irrelevant to that purpose; I feel, for one, disposed to raise my voice against such unnecessary consumption of time.

Mr. CYPERT [*the* PRESIDENT *in the chair*] asked for the yeas and nays.

The yeas and nays were ordered.

Mr. BROOKS. I feel no tenacity in regard to this matter. Gentlemen in this part of the State are perhaps familiar with the matter, and I am not. It is not any legislative action that is proposed; it amounts simply to permitting certain citizens of the State, without expense to the State, to inquire into a matter of great State interest, with a view of presenting to the Legislature of the State the information which they may accumulate during the *interregnum* between our adjournment and the meeting of that body. Certainly, no other person in the assembly can be more clear and positive than I, in his desire to adhere to the most rigid construction of our powers, and a strict attention to our legitimate business. At the same time, we may pass a resolution simply authorizing these citizens, under our auspices, and by authority of the people of the State, to accumulate information of the character proposed by this resolution, which may be of great interest to the people of the State. I feel, as I have said, no tenacity on the subject; but I do not think the objections urged to the measure are sound. There is certainly no attempt at legislation. As, however, there seems to be a want of readiness on the part of the Convention to take up this inoffensive resolution,—as we have deemed it at present, free as it is from anything of a partisan or sectional character,—I would request that it be referred to some committee, and that we let the matter rest, for a day or two. If it be objectionable, we have no disposition to press it. It merely seemed to be a matter of interest, which might properly be inquired into in this way.

Mr. SARBER moved to refer the resolution to the Committee on Internal Improvements.

Mr. HICKS. I second the motion. If there is anything in the conduct of this Company that needs to be inquired into, I certainly, as a citizen of this State, have no objection to an investigation. I second the amendment, in order that we may obtain an insight into the matter. In common with the other citizens of the State, I have a right to be in some measure acquainted with the affairs of a corporation in which the State has an interest. I have no interest in the franchise, one way or another.

Mr. BOWEN [*Mr.* SNYDER *in the chair*]. There is a fight springing up upon this subject, that I do not understand. Gentlemen are interesting themselves in this matter, the nature of whose interest I cannot at all comprehend. Gentlemen on the line of the road desire to have this matter investigated. The resolution, as amended, stands thus:

Resolved: That THOMAS M. BOWEN, W. C. ADAMS, and G. W. SMITH, be, and are hereby, appointed Commissioners to investigate the affairs of the Little Rock and Fort Smith Railroad, with power to send for persons and papers, compel the attendance of witnesses, &c., and report to the next Legislature of Arkansas:

Provided, That no expense shall be incurred by the State, by reason of the attendance of witnesses, or otherwise.

Now, what good is to be obtained by referring this matter to any committee? Why not meet the matter squarely, and pass the resolution at once? It is not proposed that any expense shall be incurred. If the affairs of this Road are in good condition, what objections can its friends have to an investigation?—if there be anything wrong, then I can understand the reasons of the opposition. I hope there will be no reference to a committee.

Mr. KYLE. The only objection that I perceive to the passage of the resolution, is that it is one of a legislative character. Now, if there is anything which it is really necessary to have inquired into,—anything that needs to be done immediately,—then, if the interests of the State be in danger, if the managers of this Road have pursued any improper course, if any unnecessary expenditures are incurred, or if the affairs of the Corporation are in any way so mismanaged that the interests of the State are liable to suffer, it may be necessary to order an immediate investigation. But we must consider how far this Convention proposes to go into the consideration of matters purely of a legislative character. When the General Assembly shall meet here, they will come here to attend to their own peculiar business. And it will be a very easy thing, if the Legislature desire, to look into this affair, and, by their own Committee, to send for persons and papers. That is the usual course. Why a committee should be raised by this Convention, to institute an investigation, and submit their report to the next Legislature, I am unable, with my present information, to understand. The only question is that of expense, and the consumption of the time of this body by instituting inquiries of this kind, when we ought to be engaged in the preparation of a constitution for the State. Our affair is, to make the necessary alteration in the State Constitution, in the least possible time, curtail our expenses as much as possible, get done with business, and go home.

Mr. CYPERT. Permit me to state this matter in its precise attitude, that we may all understand it. This Railroad Company is an individual. It has a charter. A violation of any powers conferred upon it, is a violation of law, and constitutes a proper subject of inquiry by a court of the country, in order that, if the conditions of their charter have been violated, their charter may be taken away from them. Or, a legislative body might inquire into the condition of the Road; and if facts sufficient to establish a violation of the terms of its corporate existence should be elicited, those facts would properly be brought before a court, and the charter thereupon forfeited. Is it possible that we are to appoint committees to investigate all the affairs of individuals? This Corporation, I repeat, is an individual. I will illustrate. Suppose some gentlemen in this Convention should imagine that I have two wives, and have thereby violated the laws of the country. They thereupon proceed to raise a committee, with power to send for persons and papers, to ascertain whether they have an adulterer, or a bigamist, here. The investigation might elicit facts which would render me a criminal, and amenable to punishment by a proper court. But surely that is not the proper way of dealing with such subjects.

If we were a legislative body, we could proceed only by obtaining facts, which might prove of value as affording evidence to present to the proper authorities, with a view to a forfeiture of the charter of this Road. The course proposed by this resolution does seem so remarkable, that I cannot help feeling disgusted.

Mr. McCLURE. This proposition is newly sprung upon me; and I cannot tell what is its object. I am advised, however, sir—and I state it that I may be corrected if I am wrongly informed,—that the State of Arkansas has an interest in this Road. The gentleman [Mr. CYPERT] says that, as a corporation, this Road is an individual, and that there is great impropriety in our investigating its individual rights and privileges. I am advised that the State pays a large sum to this Road, on certain conditions. If, therefore, the Legislature of the State of Arkansas had the power to appoint a Commission for the purpose of ascertaining whether the Company had conformed, in their expenditures, and all their proceedings, to the terms of their charter, then this Convention has the same power. Any legislation which this Convention may undertake, not out of conformity with the terms of the Act under the provisions of which it is assembled, I hold to be perfectly within the legitimate scope of its powers; for it is the representative of the people of the State, endowed with all the powers to which the State can lay claim. I suppose that if this question were raised in the Legislature, it would not be questioned that that body would, upon a direct or implied charge of fraud, appoint a committee to ascertain whether any fraud has been committed, or whether the Road was properly earning its ten thousand dollars per mile. If you return to your constituents, and it prove, hereafter, that a fraud has been committed, how will you answer the suggestion that you had the power to prevent the fraud and refused to exercise it?

Mr. KYLE. All the authority the Convention has, is given it by the power which calls the Convention. Whenever the people of a State desire to amend their Constitution, and the Legislature provides for a convention, the question of the call of a convention is submitted to the people; and if that call is sustained by the people, the Legislature provides for the election of delegates, who thereupon assemble, and revise the Constitution, in those particulars submitted by the people calling the convention. That is their proper duty—that is their province. Outside of that, they have no legislative power. The Constitution of this State, under which we now live, provides that the House of Representatives and Senate shall constitute the legislative department of the State. We are not acting, here, under a call of the people. We are acting under the provisions of an Act of Congress prescribing the mode of reconstruction of this State, and of restoring its broken relations to the National Union. This act, and those supplementary to it, provide for the appointment of military commanders, and for the appointment, under them, of registrars, to register the voters of the State; and provide, further, for the holding of the election and the assembling of the Convention. There is not one word, in those acts, empowering the Convention to legislate upon a question properly belonging to the people of the State, acting through their legislative body. Not a solitary word.

It is not stated what is the necessity for this action. What is that necessity? This is, as has been stated, a corporation. If they are squandering the means of the State, if they are committing frauds and depredations upon the State, let us know what these frauds are, and let us know what occasion exists for this proposed action. The only necessity can be, the only influence which any action of this kind might have would be, to restrain these parties. But you do not propose to bring them before the Convention. You do not propose to legislate for the purpose of turning these parties out of office. Gentlemen, let us stick to our legitimate business, accomplish the purpose for which, under the Reconstruction Act, and the Supplementary Acts, of Congress, we are assembled, and put our work in such an attitude that it may be accepted by Congress, and restore Arkansas to her place in the Union.

The question was taken on the amendment to refer the resolution to the Committee on Internal Improvements; and the amendment was not agreed to.

The question recurring upon the adoption of the resolution,

Mr. CYPERT asked for the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative,—Yeas 41, Nays 21, as follows:

YEAS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Corbell, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinkle, Hollis, Houghton, Hutchinson, Johnson, Mallory, Langley, Millsaps, Montgomery, McCown, McClure, Oliver, Pickett, Poole, Portis, Priddy, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Scott, Smith, Snyder, Williams, Wyatt—41.

NAYS: Messrs. Beasley, Bradley, Cypert, Duvall, Gantt, Hicks, Hodges of Crittenden, Hoge, Kyle, Mason, Matthews, Misner, Owen, Puntney, Reynolds, Shoppach, Sims, Van Hook, Wilson, Walker, and Wright—21.

So the resolution was adopted.

REPORT OF COMMITTEE ON ELECTIONS, UPON THE LAFAYETTE COUNTY ELECTION.

Mr. SARBER, from the Committee on Elections, presented the following Report:

To the Constitutional Convention of the State of Arkansas:

Your Committee on Elections, to which was referred the application of A. M. MERRICK for a seat upon this floor, as a delegate from the County of Lafayette, have had the same under consideration, and beg leave to report that we are unanimously of the opinion that the applicant has been duly and properly elected as such delegate, and is therefore entitled to a seat in this Convention.

Your Committee therefore recommend the adoption of the following resolution:

Resolved: That A. M. MERRICK be and he is hereby declared entitled to a seat in the Convention as a delegate from said County of Lafayette, and that he be admitted to the same.

Mr. MONTGOMERY moved that the Report be adopted.

QUALIFICATION OF MR. MERRICK.

Mr. HODGES, of Pulaski, rose to a question of privilege. Could not Mr. MERRICK be sworn in at once?

No objection being made,

Mr. A. M. MERRICK, delegate from Lafayette County, appeared in his seat, and an oath of office was administered to him by the PRESIDENT.

ASHLEY COUNTY ELECTION—AGAIN.

Mr. WALKER offered the following resolution:

Resolved: That the Committee on Elections be instructed to report at once in the case of the members from Ashley County.

Mr. SARBER. The case is now under consideration; and the Committee would ask the Convention for further time.

Mr. WALKER. I desire, as a matter of justice to the members, who are here, and have presented their credentials, regularly obtained from headquarters, that, as soon as practicable, this matter be investigated, and the Committee present their report. This matter was referred to the Committee on yesterday. I certainly supposed that by this time the Committee had had ample opportunity to investigate the matter and submit their report. I ask, in justice, that this matter be delayed no longer than is necessary. I am certainly willing, however, to withdraw the resolution.

Mr. SARBER. I would state, for the benefit of the gentlemen of the Convention, that the Committee has been in session during the entire morning, until we were notified that a resolution had been passed, in the matter of the Lafayette delegation, which required our immediate attention; and also, that we had sent for papers, and had had witnesses before us, this morning, but had been unable to arrive at a decision, in consequence of the absence of certain papers and reports, which it was necessary to have before us, in order to make such a report that no more delay than necessary should take place in the Convention arriving at its conclusion.

Mr. WALKER not insisting upon the reception of his resolution,

REMOVAL OF POLITICAL DISABILITIES.

Mr. HINDS offered the following resolution:

Resolved: That a Select Committee of five be appointed by the Chair, whose duty shall be to prepare a memorial to Congress, asking that the disabilities of those citizens in this State, who have faithfully and earnestly advocated and assisted in reconstruction, shall be removed, and that said Committee be instructed to receive the names of such citizens, and to embody the same in their memorial, and report the names and memorial back to this body.

Mr. MONTGOMERY inquired whether a similar resolution had been before presented.

Mr. HODGES, of Pulaski, replied, that a similar resolution had been presented, but had been tabled.

Mr. McCLURE preferred that the resolution should be referred to an appropriate committee, and reported back to the Convention, for acceptance or rejection.

Mr. HODGES, of Pulaski. That is the intention.

ADJOURNMENT.

Mr. SCOTT moved that the Convention adjourn.

Mr. CYPERT asked for the yeas and nays.

The call for the yeas and nays was not sustained.

QUALIFICATION OF MR. MERRICK—AGAIN.

Mr. CYPERT asked permission, before the question should be taken upon adjournment, to offer a remark on the subject of the oath of office taken by members of the Convention.

No objection being made,

Mr. CYPERT observed that, upon reading the records of the Convention, he observed that the oath of office was not recorded. The Journal did not show the fact that members were sworn. He wished that it should appear that in each case the oath had been taken.

Mr. HINDS. The records fully show what oath has been taken. The oath is recorded.

By direction of the PRESIDENT,

The SECRETARY read, from a MS. book, the form of oath as administered to Mr. MERRICK, during the morning.

Mr. CYPERT. That does not show that we swear to support the Constitution of the United States.

Mr. MONTGOMERY. The Committee appointed to prepare a form of oath reported a form including that obligation.

The PRESIDENT. The SECRETARY's opinion is, that there is a mistake in the copy.

Mr. CYPERT. That was my own opinion; and it was for that reason that I called attention to the subject. The member just sworn in [Mr. MERRICK] did not take the oath that the rest did; and I supposed this to be an oversight.

The PRESIDENT directed Mr. MERRICK to rise, and administered to him an oath to support the Constitution of the United States.

The question was then taken on the motion to adjourn; and the motion was agreed to;

And thereupon, at 12, M., the Convention adjourned to 10, A.M., of Saturday, January 18th.

TENTH DAY.

SATURDAY, *January 18th*, 1868.

Convention met at 10, A.M.

Prayer was offered by the Chaplain.

The roll was called; and a quorum of the members of the Convention answered to their names.

The Journal of the preceding day was read and approved.

Mr. SIMS submitted the following

REPORT OF COMMITTEE ON THE LEGISLATIVE DEPARTMENT.

The Committee appointed on Legislative Department, beg leave to report as follows:

SECTION ONE. The legislative power in this State shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives.

SECTION TWO. The General Assembly shall meet every two years, on the first Monday of January, at the seat of Government, until altered by law; but the first General Assembly elected after the adoption of this Constitution, shall meet within thirty days after the said adoption.

SECTION THREE. The House of Representatives shall consist of members chosen every second year by the qualified electors of the several districts.

SECTION FOUR. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-one years, who shall not be a male citizen of the United States, who shall not, at the time of his election, have an actual residence in the district he may be chosen to represent, and who shall not be a qualified elector, as provided in this Constitution.

SECTION FIVE. The Senate shall consist of members chosen every fourth year by the qualified electors of the several districts.

SECTION SIX. No person shall be a member of the Senate who shall not have attained the age of twenty-five years, who shall not be a male citizen of the United States, who shall not, at the time of his election, have an actual residence in the district he may be chosen to represent, and who shall not be a qualified elector, as provided in this Constitution.

SECTION SEVEN. The number of members composing the Senate shall be twenty, and of the House of Representatives, eighty.

SECTION EIGHT. The General Assembly shall provide by law for an enumeration of the inhabitants of this State in the year one thousand eight hundred and seventy-five, and every tenth year thereafter; and the first General Assembly elected after each enumeration so made, and also after each enumeration made by the authority of the United States, may re-arrange the Senatorial and Representative Districts according to the number of inhabitants as ascertained by such enumeration. *Provided:* That there shall be no re-arrangements other than that made in this Constitution, until after the enumeration to be made in the year one thousand eight hundred and seventy-five.

SECTION NINE. Senators shall be chosen at the same time, and in the same manner, that members of the House of Representatives are required to be. Senatorial Districts shall be composed of convenient contiguous territory, and no Representative District shall be divided in the formation of a Senatorial one. The Senatorial Districts shall be numbered in regular series, and the term of Senators chosen for the districts designated by odd numbers shall expire in two years, and the term of Senators chosen for the districts designated by even numbers shall expire in four years; but thereafter Senators shall be chosen for the term of four years, excepting when an enumeration of the inhabitants of the State is made, in which case if a re-arrangement of the Senatorial Districts is made, the regulation above stated shall govern the term of office.

SECTION TEN. Removals of Senators and Representatives from their respective districts shall be deemed a vacation of their office.

SECTION ELEVEN. No person holding any office under the United States, or this State, or any county office, excepting Postmasters, Notaries Public, officers of the Militia, and township officers, shall be eligible to, or have a seat in, either branch of the General Assembly; and all votes given for any such person shall be void.

SECTION TWELVE. Senators and Representatives shall, in all cases, treason, felony, or breach of the peace excepted, be privileged from arrest. They shall not be subject to any civil process during a session of the General Assembly, or for fifteen days next before the commencement, and next after the termination of each session. And they shall not be questioned in any other place for remarks made in either house.

SECTION THIRTEEN. A majority of the members of each house shall constitute a quorum to transact business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties, as each house may prescribe.

SECTION FOURTEEN. Each house shall choose its own officers, determine the rules of its proceedings, judge of the qualifications, election, and return, of its members; and may, with the concurrence of two-thirds of all the members elected, expel a member: but no member shall be expelled a second time for the same cause, nor for any cause known to his constituents at the time of his election. The reasons for any such expulsion shall be entered upon the Journal, with the names of the members voting thereon.

SECTION FIFTEEN. The General Assembly shall prescribe by law the manner in which the State printing shall be executed, and the accounts rendered therefor; and shall prohibit all charges for constructive labor. They shall not rescind or alter any contract for such printing, or release the person or persons taking the same, on his or their securities, from the performance of any of the provisions of such contract.

SECTION SIXTEEN. In all elections by either house, or in joint convention, the votes shall be given *viva voce.* All votes on nominations to the Senate shall be taken by yeas and nays, and published with the Journal of its proceedings.

SECTION SEVENTEEN. The doors of each house shall be open, unless the public welfare require secrecy. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than where the General Assembly may then be in session.

SECTION EIGHTEEN. Bills may originate in either house of the General Assembly; but all bills for raising a revenue shall originate in the House of Representatives, though the Senate may propose amendments as on other bills.

SECTION NINETEEN. No portion of the public funds or property shall ever be appropriated by virtue of any resolution. No appropriation shall be made except by a bill duly passed for that purpose.

SECTION TWENTY. Every bill and joint resolution shall be read three times, on different days, in each house, before the final passage thereof, unless two-thirds of the house where the same is pending shall dispense with the rules. No bill or joint resolution shall become a law without the concurrence of a majority of all the members. On the final passage of all bills, the vote shall be taken by yeas and nays, and entered on the Journal.

SECTION TWENTY-ONE. No law shall embrace more than one subject, which shall be embraced in its title. No public act shall take effect or be in force until ninety days from the expiration of the session at which the same is passed, unless it is otherwise provided in the act.

SECTION TWENTY-TWO. No law shall be revised, altered, or amended, by reference to its title only; but the act revised, and the section or sections of the act altered or amended, shall be enacted and published at length.

SECTION TWENTY-THREE. No new bill shall be introduced into either house during the last three days of the session, without the unanimous consent of the house in which it originated.

SECTION TWENTY-FOUR. The General Assembly shall provide for the speedy publication of all statute laws of a public nature, and of such judicial decisions as it may deem expedient. All laws and judicial decisions shall be free for publication by any person.

SECTION TWENTY-FIVE. The style of the laws of the State shall be: "Be it enacted by the General Assembly of the State of Arkansas."

SECTION TWENTY-SIX. The General Assembly may provide laws for the government of county, township, or precinct governments.

SECTION TWENTY-SEVEN. It shall be the duty of the General Assembly, from time to time, as circumstances may require, to frame and adopt a penal code, founded on principles of reformation.

SECTION TWENTY-EIGHT. The General Assembly shall not change the venue in any criminal or penal prosecution, but shall provide for the same by general laws.

SECTION TWENTY-NINE. The General Assembly may pass laws authorizing appeals in criminal or penal cases, and regulating the right of challenge of jurors therein.

SECTION THIRTY. The General Assembly shall direct by law when and how juries shall be selected from judicial districts, in criminal cases.

SECTION THIRTY-ONE. The General Assembly shall regulate by law, by whom, and in what manner, writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

SECTION THIRTY-TWO. The General Assembly may declare the cases in which any office shall be declared vacant, and also for the manner of filling the vacancy, where no provision is made for that purpose in this Constitution.

SECTION THIRTY-THREE. Every bill and concurrent resolution, except of adjournment, passed by the General Assembly, shall be presented to the Governor for approval, before it becomes a law. If he approve, he shall sign it; if not, he shall return it, with his objections, to the house in which it originated, which shall enter the objections at large upon its Journal, and reconsider it. On such reconsideration, if a majority of the members elected agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall be reconsidered; and if approved by a majority of the members elected to that house, it shall become a law. In such cases the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the Journal of each house respectively. If any bill be not returned by the Governor within three days, Sundays excepted, after it has been presented to him, the same shall become a law in like manner as if he had signed it; unless the General Assembly, by their adjournment, prevent its return, in which case it shall not become a law. The Governor may approve, sign, and file in the office of the Secretary of State, within three days after the adjournment of the General Assembly, any act passed during the last three days of the session; and the same shall become a law.

SECTION THIRTY-FOUR. Each house may punish by imprisonment, during its session, any person, not a member, who shall be guilty of any disorderly or contemptuous behavior in their presence; but no such imprisonment shall at any time exceed twenty-four hours.

SECTION THIRTY-FIVE. No citizen of this State shall be disfranchised, or deprived of any of the rights or privileges appertaining to citizenship, unless the same is done by the law of the land, or the judgment of his peers, except as hereinafter provided. There shall be neither slavery or involuntary servitude, either by pretext of indentures or apprenticeships in the State, otherwise than in the punishment of crime, whereof the party shall have been duly convicted.

SECTION THIRTY-SIX. The General Assembly shall have no power to make compensation for emancipated slaves.

SECTION THIRTY-SEVEN. The General Assembly shall have no power to grant divorces, to change the names of individuals, or to direct the sale of estates belonging to infants or other persons laboring under legal disabilities, by special legislation; but by general laws shall confer such powers on the courts of justice.

SECTION THIRTY-EIGHT. The General Assembly shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person, or vacate or alter any land laid out by legal authority, or any street in any city or village, or in any recorded town plat; but shall provide for the same by general laws.

SECTION THIRTY-NINE. The General Assembly shall not authorize any lottery, and shall by the necessary legislation prohibit the sale of lottery tickets.

SECTION FORTY. In case of a contested election, only the claimant decided entitled to the seat in either house in which the contest may take place, shall receive from the State per diem compensation and mileage.

SECTION FORTY-ONE. No collector, holder, or disburser, of public moneys, shall have a seat in the General Assembly, or be eligible to any office of trust or profit under this State, until he shall have accounted for, and paid over, as provided by law, all sums for which he may be liable.

SECTION FORTY-TWO. The General Assembly shall have power to alter and regulate the jurisdiction and proceedings in law and equity, subject to the provisions of this Constitution.

SECTION FORTY-THREE. The General Assembly shall direct by law in what manner, and in what courts, suits may be brought by and against the State.

SECTION FORTY-FOUR. It shall be the duty of the General Assembly to make adequate provision for the maintenance of paupers throughout the State.

SECTION FORTY-FIVE. The General Assembly shall not have power to authorize any municipal corporation to pass any laws contrary to the general laws of the State, or to levy any tax on real or personal property to a greater extent than two per centum of the assessed value of the same.

SECTION FORTY-SIX. The General Assembly shall pass no special act conferring corporate powers. Corporations may be formed under general laws; but all such laws may, from time to time, be altered or repealed. Dues from corporations shall be secured, by such individual liability of the stockholders, and other means, as may be prescribed by law; but, in all cases, each stockholder shall be liable, over and above the stock by him or her owned, and any amount unpaid thereon, to a further sum, at least equal in amount to such stock. The property of corporations, now existing or hereafter created, shall forever be subject to taxation, the same as the property of individuals. No right of way shall be appropriated to the use of any corporation, until full compensation therefor shall be first made in money, or first secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation; which compensation shall be ascertained by a jury of twelve men, in a court of record, as shall be prescribed by law.

SECTION FORTY-SEVEN. The General Assembly shall provide for the organization of cities, and incorporated villages, by general laws; and restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such power.

SECTION FORTY-EIGHT. All corporations with banking and discounting privileges shall, preparatory to issuing bills as currency, deposit the bonds of this State, equal in amount to the capital stock of such corporation, with the Auditor of the State, who shall not permit an issue of circulation exceeding eighty per centum of the amount of bonds so deposited, such circulation being receivable for all taxes and dues to the State; and the individual liability of stockholders shall be as hereinbefore directed: *Provided*, that corporations chartered or existing under any Act of the Congress of the United States, shall be exempted from these provisions.

SECTION FORTY-NINE. The General Assembly, on the day of final adjournment, shall adjourn at twelve o'clock at noon.

CLIFFORD STANLEY SIMS,
18*th January*, 1868. *Chairman of the Committee.*

Mr. CYPERT moved that the Report be referred to the Committee on the Constitution, its Arrangement and Phraseology.

Mr. MONTGOMERY moved to amend, that the Report lie upon the table, and be made the special order for Friday, January 24th; and that one hundred and fifty copies be printed for the use of the Convention.

Mr. CYPERT. It will require an explanation from me, in all probability, to defeat the amendment.

I wish to avoid the expense of printing every isolated report, as it comes up from each committee; and this with the view that these reports, as they come in, be referred to the Committee on the Constitution, its Phraseology and Arrangement. The whole, as reported back by them, should, of course, be printed, in order to its being passed upon in the Convention. If we proceed in this way, printing the report of every separate committee, and then reporting it over again, when the Committee on Arrangement and Phraseology shall have prepared and submitted the Constitution, there will be double printing on everything.

Mr. MONTGOMERY. I would state my object in desiring the printing of the Report. The Report of this Committee has been read; but, for myself, I have been unable to understand it, and have not been able to determine whether it would meet my views, or not. And I do not believe that there is a member of this Convention, who, unless he belonged to the Committee on the Legislative Department, was able fully to understand the Report upon its mere reading. I desire that a copy of the Report be laid upon the table of each member, that each member may be enabled to examine and digest its recommendations. It is not to be expected that a constitution will be reported to this body, in bulk, so to speak. Each Report will be acted upon separately. I am absolutely certain that it is necessary for members of the Convention to examine these reports, as they are presented, reflect upon them, and compare one section with another, in order to decide for themselves whether the proposed provisions are calculated to advance the interests of the people of the State. If the gentleman [Mr. CYPERT] desires to refer the Report to the Committee on Arrangement and Phraseology, and for that Committee to then report a constitution, it may be that he intends, when that is done, to tear the whole to pieces again, and refer the subjects back to each separate committee. I think it greatly preferable that when the different reports shall have been printed, and each member shall have had an opportunity to examine the particular section reported, the whole, as thus revised, shall then be referred to the Committee on Phraseology.

Mr. HICKS. I rise to a point of order. According to the rules adopted yesterday, this discussion is all out of order. It was the sense of this Convention that ordinances should take the same course as bills,—introduced, read a second time, and referred to a committee.

The PRESIDENT. The Chair would suggest to the gentleman, that this is the report of a committee. The point is not well taken.

Mr. MONTGOMERY. My object is, to obtain a full investigation of each department of the Constitution, and that by the several members of the Convention. I promised my constituents, when I came here, that I would not vote on a single proposition brought forward for incorporation into the Constitution of the State of Arkansas, without a full investigation; and I do not believe that the welfare of the people of the State will suffer by reason of our having these reports printed, and affording every member an opportunity of reading them for himself.

Mr. BEASLEY. I propose to amend the motion of the gentleman from Hempstead [Mr. MONTGOMERY], by inserting "Wednesday," instead of "Friday." That puts off the consideration of the subject a little too far from us.

The question was taken upon the amendment to insert "Wednesday" instead of "Friday;" and the amendment was rejected.

Mr. CYPERT. Only a few more remarks. My whole object is, to expedite business, and save cost to the State. We surely would not expedite business by the course proposed by the gentleman from Hempstead [Mr. MONTGOMERY.] It will accumulate to an enormous amount the mere cost of printing, if we are to print every separate paper. It is not to be presumed that this Convention will adopt each section, without knowing what place it is to take, and what relations it is to assume in the Constitution. When the Constitution has been arranged, and properly prepared as a whole, of course it will then be printed, so that members may look it over before they adopt it section by section.

Mr. SNYDER. I think the proposition to make this the order of the day for next Friday, is a most economical one; for before that time there will be other sections of the Constitution reported; they may also be printed and considered; and they may all come up at the same time.

Mr. SIMS. I think it would save a great deal of expense to the State, if the reports were referred in the manner suggested by the gentleman from White [Mr. CYPERT]; and in that way we should be enabled better to distinguish which provisions should take their place in the section on the legislative department, and which in the other portions of the Constitution, respectively. I think that course will save time and money.

The question was taken upon the adoption of the substitute; and a division being called for, the substitute was accepted,—Ayes 37, Noes 15.

EXPENSES OF THE CONVENTION.

Mr. HINDS submitted, from the Committee on Ordinances and Memorials, the following Ordinance.

AN ORDINANCE

PROVIDING AND MAKING APPROPRIATIONS FOR THE PER DIEM AND MILEAGE OF MEMBERS OF THE CONSTITUTIONAL CONVENTION OF THE STATE OF ARKANSAS, AND OTHER NECESSARY EXPENSES.

Be it ordained by the people of Arkansas, in Convention assembled: That there is hereby appropriated out of the Treasury, the sum of seventy-five thousand dollars, for the purpose of paying the per diem and mileage of delegates, and such other expenses as may necessarily be incurred under the provisions of an act entitled an "Act to provide for the more efficient Government of the Rebel States," passed March 2d, 1867: that it is hereby made the duty of the Auditor of the State, upon the certificate of the Secretary of the Convention, countersigned by the President, to draw a warrant on the Treasurer for and in favor of such person or persons as they may certify to be due, for per diem, mileage, or other necessary expenses; and it is hereby made the duty of the Treasurer of the State, upon the presentation of such warrant, to pay the same out of any money now in the Treasury, not otherwise appropriated by law.

The Ordinance was read a first, and, by consent, a second time.

Mr. BROOKS moved that the rules be suspended, that the Ordinance be read a third time, and that it be passed.

Mr. CYPERT. I do not know but for me to oppose any measure insures its passage; but I must enter my protest against hasty legislation, of any kind, that has for its object the disbursement of the public funds. I would offer, as a substitute for the motion of the gentleman from Phillips [Mr. BROOKS], that the Ordinance be referred to the Committee on Finance.

Mr. BROOKS. We have had a report from the Committee on Finance, on this very subject; as also from a gentleman on the other side of the hall. We have also had a resolution from this side, looking to another mode of adjustment, and which was very similar to that this morning reported by the Committee. The proposition now before us contemplates the payment of the expenses of the Convention out of funds now in the Treasury, rather than the levy of a special tax, as contemplated by the Ordinance reported. Gentlemen will of course remember the figures. Those given in the Ordinance reported this morning, are very far below those given in the estimates, and provided for in the Ordinance directing the levy of the tax. And very justly so; for the other policy, which was advocated at the opening of the session, by very many honorable gentlemen, was necessarily matured under the Act of Congress, providing for the levy of a special tax, for the defraying the expenses of the Convention. The levy and collection of a special tax, during the period intervening between the usual times of assessment and collection, would, of course, be exceedingly expensive; and the aggregate sum required would be considerably greater than that absolutely necessary for our actual expenses. It is understood, on this side of the hall, and, I suppose, throughout the Convention, that we have the approval of the present Executive of the State and of the officers of the State generally, as well as that of the commander of the Sub-District; and it is hoped that we may secure an endorsement of this movement, from the Attorney-General of the State. I believe there will be no difficulty, provided we shall obtain the consent of the Commanding General of the District to defray our expenses by the payment of funds now at command. Now, if this may be done, I can, myself, see no reasonable objection to the measure proposed—the suspension of the rules, and the adoption of the Ordinance this morning; especially when we have presented to us for settlement, a bill for the expenses of all the Deputy Sheriffs,—one in each election precinct in the entire State,—in addition to the other expenses of the Convention. I think seventy-five thousand dollars is not an unreasonable estimate. And of course, it is contemplated, no matter what the amount appropriated may be, that only such a sum as is absolutely necessary, in order to defray actual expenses, shall be actually employed. I hope this measure may be adopted; and that we may ascertain at as early an hour as possible, and by telegraph if need be, from the commanding General of the District, whether the acting Treasurer will have his consent to meet our demands from the funds now in the Treasury. It is certainly the most economical mode of disposing of the matter, and that best adapted to the distressed condition of the people of the State; and if it shall afterwards become necessary to provide for a special tax to reimburse the Treasury, let us make provision for an assessment and collection at the same time with the usual assessment and collection of the year; and thereby save an expense of forty or fifty thousand dollars, which would certainly be incurred in carrying out the proposition contained in the first Report of the Committee on Finance. I have no objection, certainly, to the most elaborate discussion of this subject. We are supposed to be as careful and economical as possible, with regard to the expenditure of the public money. I think this is the economical course. It is the course to be pursued with reference to the pressing wants of members. It is the course to be pursued to relieve the people of the State, as far as possible, of any burden.

Mr. CYPERT. I do not desire to travel outside of our authority. I do not desire to involve the State of Arkansas in an expense which should legitimately be paid by some other power. The accounts of Sheriffs and so forth, referred to by the gentleman [Mr. BROOKS], as being certified to this Convention for payment, were incurred by virtue of the orders of the commanding General, not by any command of this State or this Convention. I read from the first Supplement to the Reconstruction Act:

> "All expenses incurred by the several commanding Generals, *or by virtue of any orders issued*, or appointments made by them, under or by virtue of this act, shall be paid out of any moneys in the treasury, not otherwise appropriated."

That is, the United States Treasury. These expenses of the Sheriffs, certified from the various precincts of the State, were incurred by order of the commanding General, under the section which I have read. The section allowing us to provide for the expenses of this Convention, reads differently. They are two separate sections. We are only to provide for the necessary expenses of this body, not for anything that has accrued prior to our assembling; for we were not an existing body until we were assembled by the order of that General. That we can provide for the expenses incurred before the contingency which was necessary to the creation of this body, is manifestly unreasonable, and manifestly contrary to the provisions of the Act of Congress. My attention was called to this subject, by a conversation, which I chanced to overhear, with the present custodian of the Treasury. He adverted to the matter, in this light, on the occasion of the presentation of a claim of this kind. I am satisfied that he is correct in his position; and I am satisfied that he will never issue a warrant for any such payment, unless he is so ordered by the commanding General, and placed in a position where he would be charged with insubordination if he should neglect to comply. I am satisfied that he will never pay out a warrant to defray expenses of that nature.

Mr. HODGES, of Pulaski. I have been busy, and perhaps did not hear the matter as it really stands; but if I did, I think the remarks are not to the subject under discussion; and if so, I raise the point of order.

The PRESIDENT. The remarks of the gentleman from Phillips [Mr. BROOKS], and from White [Mr. CYPERT], upon the payment of Deputy Sheriffs, have not been to the question. The Chair does not understand that the Ordinance contemplates the payment of such expenses.

Mr. HODGES, of Pulaski. I understand the sum named in the Ordinance to be exclusively for the payment of the expenses of this body.

Mr. CYPERT. I hope the Chair will excuse me. I was led out of my track by the gentleman from Phillips [Mr. BROOKS]. I stand corrected; but I trust to be pardoned for following the footsteps of that gentleman.

The PRESIDENT. The Chair was not disposed to call the gentleman to order, as the Convention seemed inclined to listen to something upon the subject broached.

The question was taken on the adoption of the substitute; and the substitute was rejected.

Upon the question of suspending the rules, passing the Ordinance to its third reading, and placing it upon its final passage,

The question recurring on the motion that the rules be suspended, the Ordinance read a third time, and passed,

Mr. MATTHEWS moved that the subject be recommitted to the Committee, with instructions to confer with the District Commander thereupon, and to report to the Convention a statement of the probable amount of the expenses, and approximating as near as might be the amount of the several items in such Statement.

Mr. HOLLIS moved to lay the motion upon the table; and upon that motion asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken upon the motion to lay the motion to refer upon the table; and it was decided in the affirmative,—Yeas 56, Nays 11, as follows:

YEAS: Messrs. Beasley, Belden, Bell, Bradley, Brashear, Brooks, Coates, Corbell, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hollis, Hodges of Crittenden, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McClure, McCown, Oliver, Pickett, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Rounsaville, Samuels, Sarber, Scott, Sims, Smith, Snyder, Van Hook, Wilson, White, Williams, Wyatt, and the President—56.

NAYS: Messrs. Cypert, Duvall, Gantt, Hicks, Hoge, Matthews, Owens, Reynolds, Shoppach, Walker, and Wright—11.

So the motion was laid upon the table.

The question recurring on the motion that the rules be suspended, the Ordinance was read a third time, and passed.

Mr. CYPERT asked for the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative,—Yeas, 55, Nays, 11, as follows:

YEAS: Messrs. Beasley, Belden, Bell, Bradley, Brashear, Brooks, Coates, Corbell, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hollis, Hodges of Crittenden, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Misner, Merrick, Millsaps, Montgomery, Murphy, McClure, McCown, Oliver, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Rounsaville, Samuels, Sarber, Scott, Sims, Smith, Snyder, Van Hook, Wilson, White, Williams, Wyatt, and the President—55.

In the negative were Messrs. Cypert, Duvall, Gantt, Hicks, Hoge, Matthews, Owens, Reynolds, Shoppach, Walker, and Wright—11.

So the rules were suspended, the Ordinance read a third time, and passed.

Mr. HINDS, from the Committee on Ordinances and Memorials, reported the following

MEMORIAL RESPECTING THE TAX ON COTTON.

To the Honorable the Senate and the House of Representatives of the United States:

The Constitutional Convention of the State of Arkansas would respectfully represent, that the present tax on raw cotton, is greatly detrimental to the present and future interest of the people of this State.

A large majority of those engaged as laborers in the culture of this, the chief staple of the State, are now destitute and out of employment, in a great measure owing to the fact that the present high tax renders its production unprofitable. The crop just gathered, has produced an average price of twelve cents per pound. Out of this, the producer has to pay between four and five cents per pound for freight, tax, commission, and storage, leaving a net price of from seven to eight cents per pound.

Should full crops be raised every year, it might be possible to grow the cotton, pay the tax, and still leave the producer a small profit, but it must be recollected that three years out of five barely half a crop is made, though of course the necessary expenses are always the same.

It may be argued that the present price equals that received before the war, but we must recollect that now, the prices of labor, provisions, and clothing, are nearly one hundred per cent. higher than before the war.

We can but express our firm conviction that unless the tax is removed, the culture of cotton will necessarily cease. No one will willingly enter into a business in which the tax exhausts all the margin which is left, over the cost of production. And therefore we would respectfully and urgently ask for the immediate removal of this burden.

Mr. HODGES, of Pulaski, moved that the Report be adopted.

The question was taken; and the Report was unanimously adopted.

READING OF JOURNAL FROM A BOUND BOOK.

Motions, resolutions, and notices, being in order,

Mr. CYPERT said: I desire to offer a motion that the Secretary be required to read the minutes, every morning, from the record; that he procure a well-bound book, for keeping the minutes of the Convention; and that they be read from the book.

It seems that the minutes are in MS., and may be any day destroyed; and from the memory of man we might be unable to ascertain what has been done. Yesterday an oversight was discovered, in connection with the records. We never go back and read the copy made. There may be several errors in the recording and transcription of these MSS.

The question was taken; and the motion was agreed to.

POWERS AND DUTIES OF THE CONVENTION.

Mr. MATTHEWS offered the following resolutions:

Whereas: This Convention was called into existence by the Reconstruction Acts of Congress, and the election held in this State thereunder.

And whereas: said Reconstruction Acts do not, even by implication, authorize or contemplate that the Conventions thereby provided for, should do other than frame a constitution, to be submitted for ratification to the people of their respective States, and to provide each for the defraying of its expenses.

And whereas: The people of the State have never delegated to us any powers except for the above-named purposes, or in any authoritative manner indicated a desire that this Convention should otherwise interfere with the affairs of the State or people.

Therefore be it resolved: That it is the sense of this Convention that it has no sovereign powers; for any purposes, and beside providing for the payment of its expenses, nothing it might assume to do would have any legal force unless incorporated in the Constitution; nor even then, unless and until such Constitution shall be ratified by the registered voters of the State, and shall have been accepted by Congress.

Be it further resolved: That it would be inexpedient to embody in the Constitution provisions regarding matters of a local, temporary, or in any other way unimportant nature, or such as according to the genius of American republicanism is rightfully within the province of the people's ordinary agent, the General Assembly.

And resolved further: That the several committees of this body be excused from the further consideration of any proposed ordinances, or instructions to report an ordinance hitherto referred to them, upon their reporting that they are of the opinion that such proposed ordinances should not be made a part of the Constitution; *Provided,* that such report be received and adopted by this Convention. And provided further, that this resolution shall not apply to any proposed ordinance respecting the expenses of this Convention.

Mr. HOLLIS moved that the resolutions be laid upon the table.

The question was taken upon the motion to lay the resolutions upon the table. Before the announcement of the result, Mr. CYPERT said: I was up before the vote was called, and tried to draw the attention of the Chair, but could not obtain the notice of the PRESIDENT. I certainly hope the Chair will rule that the voting is not yet concluded.

The PRESIDENT: The Chair will suspend the announcement of the result, until after the gentleman's remarks.

Mr. CYPERT. I suppose I injure my friends by advocating a measure; but I must still enter my protest against anything which may interfere with the interests of my country. I do think, from a casual reading of the resolution before us, that it defines clearly the true powers and objects of this Convention. And it does seem to me remarkable that we should table a resolution so expressive of the letter and spirit of that authority which brought us into existence. We are certainly entitled to an expression of the sense of the Convention, on a subject of such vital importance. I desire that the vote be taken, upon this tabling, anew, that each member may place himself upon the record, showing his opinion on the subject. I want to know who it is that believes we have unlimited, sovereign powers, and who believes we have only a limited scope within which to act. This motion to table, it is true, is meant to kill the resolution. Its object is, to dodge the question, to lay it out of sight, and go on loosely, without an expression of the sense of the Convention on the subject. I want the vote to be taken direct. I could not get the attention of the President, owing to the peculiar circumstances of my situation at the time.

I now ask for the yeas and nays.

Mr. HODGES, of Pulaski. I would inquire what disposition has been made of the resolution.

The PRESIDENT. The Chair did not observe the gentleman from White (Mr. CYPERT), who desired to take the floor; and the motion was put. In the noise of voting, the Chair did not perceive that the gentleman desired the floor. It is with the Convention, under these circumstances, to allow further discussion, by consent.

Mr. HODGES, of Pulaski. If I had had time, I intended myself to present a different motion. It may be well to consider the matter a little. I would not enter into discussion now, however.

The PRESIDENT. Discussion is not in order, as the vote is being taken; but as the vote has not been announced, the roll may be called, if the Convention orders the yeas and nays.

The vote was then declared; and the motion to lay the resolution upon the table was agreed to.

Mr. BROOKS. Having voted in the affirmative, I move to reconsider the vote by which the resolution was laid upon the table.

The question was taken upon the motion to reconsider the vote by which the resolution was laid upon the table; and the motion was agreed to.

The question recurring upon the motion to lay the resolution upon the table,

Mr. HODGES, of Pulaski, moved, as a substitute, that the resolution be laid upon the table, and made the special order of the day for Saturday, February 1st.

Mr. BRADLEY. It is as well for us to decide to-day, as to postpone it to some future time, what the prerogatives of this Convention are. There seems to be a diversity of opinion, among the members, as to our right to act upon anything other than the formation of a constitution and the appropriation of funds for the payment of the necessary expenses of the Convention; and as this question will be involved, more or less, in divers ordinances that may be introduced here, I am in favor of settling it at once, so that we may understand exactly what we are here for, and with what powers we are invested. I favored the reconsideration of the motion to table the resolution, in order that we might discuss this question. We shall waste a great deal of time, unless we take the yeas and nays, and ascertain the sentiment of the Convention, as to the relation which we sustain to the people of Arkansas.

This Convention originated in an act of Congress; and, under the provisions of that Act, a proposition was made, through the commanding General, to the people of the State; which proposition embraced certain conditions. And since the people of Arkansas have closed with that proposition, embracing all those conditions and contingencies, and since they have called a convention, I, for one, insist that we are the people of Arkansas, in Convention assembled, and that we have jurisdiction over matters other than the mere formation of a constitution.

Mr. BROOKS. I have no disposition to enter lengthily into the merits of the preamble and resolution offered. I have, however, this to say. Upon this side of the hall—if we may speak thus "sectionally,"—we have no disposition whatever to hasten any matter through this body—even the simplest and most harmless resolution,—without affording to every gentleman on this floor, who desires it, the most ample opportunity to deliver himself. And least of all, sir, have we any disposition to "dodge." We do not belong to the dodging dynasty. We are ready, at this or any time —at all times,—to meet, fairly, fully, and promptly, any measure that may be introduced; and I, individually, and, I believe, in the main, those who act with me, will assist gentlemen in securing the yeas and nays, on any question that may be presented.

I do not desire to enter into a discussion of the merits of this question. I may simply say that I concur, entirely, in the views presented by the gentleman from Bradley [Mr. Bradley]. I do not see that there is any necessity for lumbering up this question, and seeing how many turns of circumlocution we can accomplish here, or how far we can possibly succeed in befogging the question. I think it evident that we are assembled here under the auspices of the General Government, acting through the military; but when we have once assembled here, by vote of the people, who by their ballots decided to call a convention, we have simply all the prerogatives that any constitutional convention, assembled on behalf of the people of any other State, may possess. I do not see that the situation is at all complicated. I am ready, if you desire, to vote upon the proposition to postpone, and make the resolution the special order of the day for a given time. That might perhaps be well. These matters have probably been touched upon, somewhat, in conversation among the members; but no elaborate and exhaustive discussion has been had; and it may be a matter upon which the younger members of the Convention, especially, may desire to think, and secure information, before they are ready to act upon a question of such great importance as is claimed for the doctrine of the limited powers of the Convention. I do not wish to speak patronizingly, when I say there are young men on the floor, not now ready to vote, aye or no; and for this reason the postponement is moved. But I am perfectly ready to face the music on the yeas and nays.

Mr. MATTHEWS. If the motion prevail, it will of course be tantamount to voting down the resolutions; since all the evil will have occurred, before their consideration is resumed, which they are desired to prevent. An argument, I think, can scarcely be necessary, to show the truth of this preamble, and the justness of the conclusions therefrom, enunciated in the resolutions. That we are only here for a specific and well-defined purpose, cannot, it seems to me, admit of a doubt. We do not represent the sovereign power of the people of the State,—if, indeed, they themselves have or ever had such power. We are not here even to *make* a constitution, but only to make a draft of one which will have to be submitted to, and ratified by, the people, before even it can have any legal effect, or, in other words, before it will be a constitution at all. We can no more make a constitution for the people of the State, than a lawyer could sign, seal, and deliver a deed for me, whom I had simply employed to write one. But suppose I should employ a lawyer to write a deed for a piece of land I designed to sell, and he, on no better authority than that, should set himself up as the general manager of my business. Would not any one say that he had flagrantly transcended his authority? But certainly not more so than we will transcend ours, if, simply because we are empowered to frame a constitution, which may, or may never, be ratified by the people, we assume to interfere in any other particular with the affairs of the State or the people. Why, sir, if the simple adoption, by us, of an ordinance or resolution, gives it legal force,—makes it binding upon the people,—

then we have the power to effectually forestall the option which the people are supposed to have regarding the ratification of the constitution. For if we think the people would not be likely to ratify such a constitution as we would desire that they should,—instead of making a technical constitution, we have only to embody what *we* think should be the organic law of the land, in an ordinance, or series of ordinances. I subscribe, sir, to no such doctrine.

Mr. McCLURE. I object to the presentation of any such resolutions before the Convention. This is not a judicial body. And if every member of this Convention should express the doctrine of these resolutions as his sentiments, what would that decide? Nothing—nothing whatever. If this body assumes to pass ordinances, if it attempts to undertake business, outside the mere act of submitting a constitution to the people, the validity of such action will be a question for the courts—let the courts decide it. We do not need to consume the time of the Convention, by arguing such questions.

Mr. MATTHEWS asked for the yeas and nays, upon the motion to lay the resolutions upon the table, and make them the special order for Saturday, February 1st.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative,—Yeas 47, Nays 17, as follows:

YEAS: Messrs. Belden, Bell, Bradley, Brashear, Brooks, Coates, Dale, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hollis, Hodges of Crittenden, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Montgomery, McClure, McCown, Murphy, Oliver, Poole, Portis, Priddy, Rawlings, Rector, Rounsaville, Samuels, Sarber, Smith, Snyder, Wilson, White, Williams, Wyatt—47.

NAYS: Messrs. Beasley, Corbell, Cypert, Duvall, Evans, Gantt, Hicks, Hoge, Matthews, Owen, Puntney, Reynolds, Shoppach, Sims, Van Hook, Walker, Wright—17.

So the resolutions were laid upon the table, and made the special order for Saturday, February 1st.

COMMITTEE TO PREPARE MEMORIAL FOR REMOVAL OF POLITICAL DISABILITIES.

The PRESIDENT announced the following Committee to prepare Memorials to Congress, asking the Removal of the Political Disabilities of certain persons:

Messrs. HINDS, SIMS, DALE, BROOKS, and HODGES of Pulaski.

SUNDAY RELIGIOUS SERVICES BY THE CHAPLAIN.

Mr. BROOKS. I would ask permission of the Convention to offer a resolution, out of the course of business.

No objection being made,

Mr. BROOKS offered the following resolution:

"*Resolved:* That the Chaplain of this Convention be and is hereby requested to preach and conduct Divine Services in this Hall at 10½ o'clock on next Sabbath, and each succeeding Sabbath during the Session of the Convention. That the announcement of these services be published in the city papers, and the citizens at large be invited to unite with us in the service."

The question was taken; and the motion was unanimously agreed to.

HOMESTEAD EXEMPTION.

Mr. BELDEN, by consent, offered the following Ordinance, which was read a first time:

Be it ordained by the people of the State of Arkansas in Convention assembled: That in addition to the homestead now exempt by law from execution, there shall be exempt from sale under execution the further amount of personal property of the sum of one thousand dollars, to be selected by the debtor, the same to be appraised by three disinterested citizens of the township in which the defendant in the execution resides.

Mr. VAN HOOK moved that the Ordinance be referred to the Committee on Exemption of Real and Personal Estate.

The question was taken; and the motion was unanimously agreed to.

Mr. BRASHEAR [*Mr.* MATTHEWS *in the chair*] moved that the Convention adjourn.

The question was taken; and the motion was agreed to;

And thereupon, at 12.15, P.M., the Convention adjourned to 10, A.M., of Monday, January 20th.

ELEVENTH DAY.

MONDAY, *January 20th*, 1868.

Convention met at 10, A.M.

Prayer was offered by the Chaplain.

PRESENT: Messrs. Beasley, Belden, Bell, Brashear, Brooks, Coates, Corbell, Dale, Duvall, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hollis, Hodges of Crittenden, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Kelly, Kyle, Mallory, Mason, Matthews, Merrick, Misner, Millsaps, McClure, Montgomery, Oliver, Owen, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Reynolds, Rounsaville, Samuels, Sarber, Scott, Shoppach, Sims, Smith, Snyder, Van Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President.

SICK AND EXCUSED: Messrs. Bradley and Johnson.

READING OF JOURNAL FROM A BOUND BOOK—AGAIN.

The SECRETARY proceeded to read the Journal of Saturday; when

Mr. CYPERT moved that the reading be deferred until the minutes should be copied into the book called for by the resolution adopted on Saturday.

Mr. KYLE opposed the motion. The plan proposed would in its practical working be likely to occasion the disfigurement of the permanent record. The Journal was read to the Convention for correction; the alterations called for must be made before the final transcription in the book, or interlineations and erasures must appear in the official copy.

Mr. CYPERT replied, that upon any other plan than that proposed, oversights might frequently occur in transcription, after the minutes were corrected, and it would at last become necessary to read the Journal from the book.

The PRESIDENT. In accordance with the motion agreed to by the Convention, be that right or wrong, the minutes should be read from the book.

Mr. BROOKS moved that the reading of the Journal, for the morning, be dispensed with.

The question was taken; and the motion was agreed to.

EXPENSES OF THE CONVENTION.

Mr. BROOKS moved that the Convention proceed to consider the special order of the day; being, the consideration of "Ordinance No. 1," entitled "An Ordinance Raising Revenue for the purpose of Defraying Expenses of Constitutional Convention," reported from the Committee on Finance, Taxation, Public Debt, and Expenditures; and the substitute therefor, "Ordinance No. 2," offered by Mr. CYPERT, entitled "An Ordinance to provide for the Payment of the Expenses of the Convention."

The question was taken; and the motion was agreed to; so the rules were suspended, and the Convention proceeded to consider the special order of the day.

Mr. HODGES, of Pulaski. Do I understand that the substitute is now before the Convention?

The PRESIDENT. The substitute will be first taken up.

The question being upon the second reading of the substitute,

Mr. HODGES, of Pulaski, asked for the yeas and nays.

Mr. MONTGOMERY moved that the consideration of the substitute be indefinitely postponed.

Mr. HODGES, of Pulaski. I am entirely opposed to that. I want to vote directly upon the question. The proposition now is, to tax a certain class of people, by a poll-tax, to defray the expenses of this Convention. I want the privilege of voting directly upon that proposition; and when the vote shall be reached, I shall call for the yeas and nays.

Mr. MONTGOMERY. My opinion is, that the gentleman can get himself upon the record, just as well, by voting upon the substitute; and by postponing indefinitely we get rid of the consideration of the second and third readings of the substitute, and consequently save considerable time and expense to the State. It does appear to me, sir, that an indefinite postponement affords more emphatically a record, than would a direct vote upon the substitute. It is the only way that I know of, in legislative bodies, in which a question which might at any time arise may be got rid of entirely, for the whole session. I do not see why the gentleman desires to get a direct vote, when the vote on the proposition immediately before us is, in effect, a direct vote, and most emphatically so.

Mr. HINDS. This is a matter of considerable importance. It is proposed, by an ordinance, to impose a tax upon a certain class of people of this State. For one, I am desirous of placing myself upon the record, on that subject; and I think that no gentleman should desire otherwise than to vote squarely upon the question. If the gentlemen who present this Ordinance wish its adoption, they ought to be willing to place themselves on record.

Mr. MONTGOMERY asked for the yeas and nays.

The call for the yeas and nays was not sustained.

The question was then taken on the motion to postpone the subject indefinitely; and the motion was not agreed to.

Mr. CYPERT. We have passed an ordinance providing for defraying the expenses of the Convention. As I voted against the Ordinance, and intend to vote against everything that looks to the pay of this Convention, and taking money from the people of the State, I withdraw the substitute.

Mr. HODGES, of Pulaski. I object.

The PRESIDENT. The gentleman cannot withdraw his substitute unless by consent; and as objection is made, the substitute cannot be withdrawn. The question is now upon the second reading of the substitute, as an ordinance.

Mr. BROOKS. I rise to a point of order. Do I understand the Chair to decide that the substitute is to be acted upon, by the Convention, as an ordinance, and that it is not in the nature of an amendment?

The PRESIDENT. It is a substitute; and the Chair is of opinion that the way to reach the question, in its present attitude, is to let the substitute take the same course with any other ordinance, and be adopted or rejected on its final reading. It has been read once, and the question is upon its second reading.

Mr. BROOKS. Then I appeal from the decision of the Chair.

Mr. REYNOLDS. I would inquire whether the substitute has an enacting clause, and a title.

The PRESIDENT. It has.

Mr. CYPERT. I would ask whether there has been a motion to adopt the proposition now before the Convention, as a substitute, or as an ordinance? Has there been a motion to adopt it in any way?

The PRESIDENT. It went to its first reading, and the Chair therefore assumed that it should take the course of ordinary ordinances. It was understood, by the Chair, that these ordinances were to take the course of bills. The Chair will read from the Manual:

> "When a bill is first presented, the Clerk reads it at the table, and hands it to the Speaker, who rises, states to the House the title of the bill, that this is the first time of reading it, and the question will be whether it shall be read a second time. Then sitting down, to give an opening for objections. If none be made, he rises again, and puts the question whether it shall be read a second time."

Before that question was reached, it was moved to make it a special order of the day. I profess to have no experience in these matters. I simply take the Manual, and put the question in accordance with the law laid down there.

Mr. GANTT. I would inquire whether the original ordinance had been read a second time.

The PRESIDENT. The first time only.

The vote was then taken upon the question, "Shall the decision of the Chair be sustained?" and it was decided in the negative.

So the decision of the Chair was not sustained.

Mr. BROOKS. I move (it being understood that I shall vote against my own proposition) that the substitute be adopted, in place of "Ordinance No. 1;" and upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken on the adoption of the substitute; and it was decided in the negative,—Yeas 8, Nays 52, as follows:

YEAS: Messrs. Cypert, Duvall, Gantt, Hicks, Hoge, Owen, Shoppach, and Wright—8.

NAYS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Corbell, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hollis, Hodges of Crittenden, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Matthews, Merrick, Montgomery, McCown, McClure, Oliver, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Reynolds, Rounsaville, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, Van Hook, Wilson, Wyatt, White, and the President—52.

So the substitute was rejected.

Pending the call of the roll,

Mr. REYNOLDS (when his name was called) said: I would state that I am opposed to taxation by this Convention, in any shape.

The vote having been declared, as above,

Mr. HODGES, of Pulaski, moved that the Ordinance, "No. 1," be recommitted to the Committee on Finance, Taxation, Public Debt, and Expenditures.

The question was taken; and the motion was agreed to.

Whereupon,

Mr. McCLURE, from the Committee on Finance, etc., reported back the Ordinance, with the following amendments: In line 2, of the Ordinance as printed, strike out the words "one-half of one per cent.," and insert the words "one-fourth of one per cent." In line 7, strike out the words "eighteen hundred and sixty-eight," and insert the words "eighteen hundred and sixty-nine." On line 16, strike out the words "placed upon the Tax Books for the year eighteen hundred and sixty-seven," and insert the words "placed upon the Tax Books for the year eighteen hundred and sixty-eight."

By direction of the PRESIDENT,

The SECRETARY read the Ordinance, as amended.

Mr. BROOKS moved that the Ordinance, as reported back with amendments, be laid upon the table, and made the special order for the next day, Tuesday, January 21st.

The question was taken; and the motion was agreed to.

Reports of standing committees being in order,

Mr. McCLURE presented the following

REPORT OF COMMITTEE ON FINANCE, TAXATION, PUBLIC DEBT, AND EXPENDITURES.

SECTION ONE. The levying of taxes by the poll is grievous and oppressive; therefore the General Assembly shall never levy a poll tax for State or county purposes.

Section Two. Laws shall be passed taxing by a uniform rule all money credit, investments in bonds, joint stock companies, or otherwise; and also all real and personal property, according to its true value in money; but burying-grounds, public school-houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, shall never be taxed. Real estate shall be appraised every five years by an appraiser to be provided for by law, at its true value in money; and each owner of real estate shall be entitled to an exemption of five hundred dollars. Personal property shall be appraised, in such manner as may be provided by law, at its true value in money, but the General Assembly may exempt from taxation personal property to the value of five hundred dollars to each tax-payer.

Section Three. The General Assembly shall provide by law for taxing the notes and bills discounted or purchased, moneys loaned, and all other property, effects, or dues of every description, without deduction, of all banks, now existing, or hereafter created, and of all bankers, so that all property employed in banking shall always bear a burden of taxation equal to that imposed on other property of individuals.

Section Four. The General Assembly shall provide for raising revenue sufficient to defray the expenses of the State, for each year; and also a sufficient sum to pay the interest on the State debt.

Section Five. No tax shall be levied except in pursuance of law; and every law imposing a tax, shall state distinctly the object of the same.

Section Six. The credit of the State, or counties, shall never be loaned for any purpose without the consent of the people thereof, expressed through the ballot box.

Section Seven. The General Assembly may require the exhibit of receipts and expenditures of State and county officers, at such time and in such manner as may be prescribed by law.

Section Eight. No money shall be paid out of the treasury, until the same shall have been appropriated by law.

Section Nine. The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; and the money arising from the creation of such debts shall be appropriated to the purpose for which it was obtained, or to pay the debt so contracted, and to no other.

Section Ten. In addition to the above power, the State may contract debts to repel invasion, suppress insurrection, preserve the public peace, defend the State in time of war, or to redeem the present outstanding indebtedness of the State; but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised, and no other; and all debts incurred to redeem the present outstanding indebtedness of the State, shall be so contracted as to be payable by the sinking-fund, hereinafter provided for, as the same shall accumulate.

Section Eleven. The faith of the State being pledged for the payment of its public debt, in order to provide therefor there shall be created a sinking-fund;

which shall be sufficient to pay the accruing interest on such debt, and annually to reduce the same. The said sinking-fund shall consist of such net earnings and profits, of public institutions, bonds, stocks, or other property of the State, or of any other funds or resources, that are or may be provided by law.

SECTION TWELVE. The Governor, Secretary of State, and Attorney-General, are hereby created a Board of Commissioners, to be styled "The Commissioners of the Sinking-Fund."

SECTION THIRTEEN. The Commissioners of the Sinking-Fund shall, immediately preceding each regular session of the General Assembly, make an estimate of the probable amount of the fund provided for by the eleventh section of this article, from all sources, except from taxation, and report the same, together with all their proceedings relative to said fund and the public debt, and transmit the same to the General Assembly, and the General Assembly shall make all necessary provision for raising and disbursing said sinking-fund, in pursuance of the provisions of this article.

SECTION FOURTEEN. It shall be the duty of the said Commissioners, faithfully to apply, in such manner as the General Assembly may by law direct, said fund, together with all moneys that may be by the General Assembly appropriated to that object, to the payment of the interest as it becomes due and the redemption of the principal of the public debt of the State, excepting only school and trust funds held by the State.

SECTION FIFTEEN. The principal arising from the sale of all lands donated to the State for school purposes, shall be paid into the treasury, and the State shall pay interest thereon for the support of schools, at the rate of six per cent. per annum.

SECTION SIXTEEN. The State shall never assume the debts of county, town, city, or other corporation, unless such debts have been created to repel invasion, suppress insurrection, or to provide for the public welfare and defence.

SECTION SEVENTEEN. The General Assembly shall tax all privileges, pursuits, and occupations, that are of no real use to society; all others shall be exempt, and the amount thus raised shall be paid into the treasury.

Mr. HINDS moved that the Report be laid upon the table, that one hundred copies be printed for the use of members of the Convention, and that the Report be made the special order of the day for Saturday, January 25th.

The question was taken; and the motion was agreed to.

APPOINTMENT OF PUBLIC PRINTER.

Mr. McCLURE, from the Committee on Printing, presented the following Ordinance, which was read a first time:

AN ORDINANCE DECLARING A PUBLIC PRINTER.

Be it ordained by the people of Arkansas in Convention assembled: That John G. Price is hereby declared Public Printer of this Convention, and also for the State of Arkansas; and that all printing of laws, journals, and other proceedings and legal advertisements, which is by law made the duty of the State printer, shall be transferred to him; and that he shall receive therefor the rates now prescribed by law. And it is hereby made the duty of the Secretary of this Convention to notify all State and county officials of the passage of this Ordinance, which shall take effect from and after its passage.

Mr. CYPERT. I move to refer the proposed Ordinance to a special committee, with instructions to ascertain what are the lowest rates at which the printing can be obtained.

Mr. McCLURE. I have only this to say; that some provision must be made for the printing for this Convention; and that at once.. Matter for printing is accumulating; the reports of the various committees having in charge the preparation of the different portions of the Constitution, are daily submitted. No contract has been made for the printing, nor has any provision been made by the Convention, authorizing such a contract. For this reason, and in order to avoid the delay which must result from a reference of the matter to a special committee, however prompt might be its action, the Ordinance was introduced in the form in which it is presented. The rates fixed are those which were fixed by the gentlemen on the other side of the house. If they are too high, any odium that there may be, attaches to those who fixed the rates. We merely adopt their action. It is to be presumed the rates are not too high; and if they are not so, I hope the proposition for a reference will be voted down.

The question was taken on the motion to refer, and it was not agreed to.

Mr. HODGES, of Pulaski. I move that the rules be suspended, and that the Ordinance pass to its second and third readings.

The question was taken, the motion was agreed to; and the Ordinance was read a second and third time.

Mr. MATTHEWS moved to amend the Ordinance by striking out all except so much as declared John G. Price Public Printer of this Convention.

Mr. BROOKS moved that the amendment lie upon the table.

Upon which motion

Mr. CYPERT called for the yeas and nays.

The yeas and nays were ordered.

The question was taken upon the motion to lay the amendment upon the table; and it was decided in the affirmative,—Yeas 46, Nays 16, as follows:

YEAS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Corbell, Dale, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hollis, Hodges of Pulaski, Hodges of Crittenden, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Montgomery, McClure, Oliver, Poole, Portis, Priddy, Rawlings, Rector, Sams, Samuels, Sarber, Scott, Smith, Snyder, White, Williams, Wyatt, and the President—46.

NAYS: Messrs. Beasley, Cypert, Duvall, Gantt, Hicks, Hoge, Matthews, McCown, Owen, Puntney, Reynolds, Shoppach, Van Hook, Walker, Wilson, and Wright—16.

So the amendment was laid upon the table.

The Ordinance being upon its final passage,

Mr. BROOKS said: I have only to say, that as the point aimed at by our friends on the opposite side is economy, I take it for granted that the compensation fixed by law was so fixed with deliberation, and after careful inquiry into the necessary outlay; and is not extravagant. We presume upon that.

Mr. BEASLEY. I wish to make a remark or two in regard to my vote. I was in favor of the proposition to let out the printing to the lowest bidder, thinking that such a course would be fairest to my constituents. I am an honest man. I do not impeach others, by saying that I am honest; but I want everything done fairly for my constituents.

The yeas and nays were asked, and ordered.

The question was then taken upon the final passage of the Ordinance; and it was decided in the affirmative,—Yeas, 45, Nays, 14, as follows:

YEAS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hollis, Hodges of Crittenden, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Montgomery, McClure, Oliver, Poole, Portis, Priddy, Rawlings, Rector, Samuels, Sarber, Scott, Smith, Snyder, Wilson, White, Williams, Wyatt, and the President—45.

NAYS: Messrs. Cypert, Duvall, Gantt, Hicks, Hoge, Matthews, McCown, Owen, Puntney, Reynolds, Shoppach, Van Hook, Walker, and Wright—14.

So the Ordinance was passed.

Pending the calling of the roll,

Mr. McCOWN (when his name was called), said: From the fact that I do not know what the rate of public printing is, and not intending to vote upon any subject in the dark, I shall vote No.

EXPENSES OF THE CONVENTION—AGAIN.

Mr. CYPERT asked permission to send to the Secretary's desk an explanation of his vote, upon the Ordinance to provide for the Payment of the Expenses of this Convention, which explanation he requested to have entered upon the Journal; and which was read by the Secretary, as follows, viz.:

> "I vote for the substitute, as a choice between the Ordinances; but shall vote, on the final vote, against all measures tending to tax the people for the expenses of this Convention."

Mr. HOGE requested to have his name added to the paper presented by Mr. CYPERT.

The word "I," in said paper, was accordingly changed to "We;" and the paper was signed by Messrs. CYPERT and HOGE.

Mr. GANTT requested to have his name added to the explanation; which was done.

Mr. REYNOLDS asked permission to send to the SECRETARY's desk an explanation of his vote, which explanation he requested to have entered upon the minutes; and which was read by the SECRETARY, as follows:

> "I vote No; because I am opposed to taxation, in any shape, for the expenses of this Convention."

Mr. CYPERT. I proposed, first, to withdraw it, so as to prevent a vote at all: and was not allowed to do so.

Mr. BROOKS. I am certainly in favor of the largest liberty, in these respects, consistent with good order and parliamentary usage; and an explanation given at the time of voting, is perfectly proper, I suppose, and a note will be made of it. But unless these gentlemen want to come in with a protest against the action which they themselves have chosen to take, on their own measures, I am not disposed, for my own part, to consent to have the Journal lumbered up with explanations which gentlemen give after an hour or two's reflection, in which to get up such documents, and prepare reasons for their course, to go on file.

Mr. CYPERT. My explanation is very short; and it is precisely that which I gave before casting my vote.

Mr. HODGES, of Pulaski. I rise to a point of order—whether it is in order to have an explanation go upon the record. I suppose that a *protest* could be spread upon the Journal, at large; but whether a speech, in the nature of an explanation, can properly appear there, I doubt.

The PRESIDENT. It is an ordinary occurrence to have gentlemen give their explanations at the time of taking the vote, and have them placed upon the minutes. Whether it can be done afterward, is questionable. The Chair is of opinion that the explanations submitted cannot properly be placed upon the Journal, unless by consent of the Convention.

Mr. CYPERT. I have no desire to cavil. I made the statement, and presume the reporters will have it appear. I have never before, however, in any deliberative body, heard any objection raised to any member putting his reasons, in brief, upon the record.

In order that the Convention may decide the matter, I move that the explanation be entered on the Journal. [Cries of "Leave."]

By unanimous consent of the Convention, the explanations were permitted to be placed upon the Journal.

Mr. HODGES, of Pulaski. It may be well enough for these statements to go upon the record. Hereafter, I shall be opposed to speeches or explanations going upon the Journal. They can be reported in the official report of the proceedings.

PURCHASE-MONEY FOR SLAVES.

Motions, resolutions, and notices being in order,

Mr. SMITH offered the following ordinance, which was read a first time:

AN ORDINANCE RESPECTING THE SALE OF SLAVES.

Be it ordained by the people of the State of Arkansas, in Convention now assembled:

First: That liberty is the natural right of all men.

Second: That slavery was a violation of that right, and could only exist by positive law.

Third: That slavery, having been abolished by Act of the Convention held in this State, A. D. 1864, it is hereby forever prohibited, except as a punishment for crimes, of which the party shall have been convicted by due process of law.

Fourth: That the fiat of the sovereign power, having restored the slave to freedom, did thereby release the vendor of slaves from his obligations of title and warranty, and also absolved the vendee from all obligation of payment.

Fifth: That no court in this State shall take jurisdiction of any cause, the object of which is to recover the price of slaves, or to enforce any contracts in which the purchase of slaves was the consideration.

Sixth: That all suits now pending in the courts of this State, upon all such obligations and contracts, shall be dismissed, and that all judgments and decrees, had on such obligations and contracts, since slavery was abolished in this State, are hereby declared to be null and void.

Mr. SMITH moved that the Ordinance be referred to the Committee on Ordinances.

The question was taken; and the motion was agreed to.

ENGROSSMENT.

Mr. POOLE. As it is necessary now to commence engrossing, I request that the Committee on Engrossment be permitted to retire to their committee-room.

No objection being made,

The members of the Committee on Engrossment were excused.

PAYMENT OF DEPUTY SHERIFFS—AGAIN.

Mr. McCLURE, from the Committee on Finance, Taxation, Public Debt, and Expenditures, presented, by consent, the following Report:

REPORT OF COMMITTEE ON FINANCE, ETC., ON PAYMENT OF DEPUTY SHERIFFS.

Your Committee, to whom was referred the accounts of Deputy Sheriffs, by the commanding General, beg leave to report that in their opinion this Convention has no authority to provide for the payment of debts incurred prior to the election of Delegates. Your Committee further report that the oath of office, required by the Reconstruction Acts of Congress, does not appear with the accounts submitted.—We therefore recommend that the accounts be referred to the commanding General, by the Secretary of this Convention, with the opinion herein expressed.

McClure, Chairman.

On motion, the Report was adopted.

REDUCTION IN NUMBER OF OFFICERS—AGAIN.

Mr. McCLURE, from the Committee on Finance, Taxation, Public Debt, and Expenditures, to whom were referred the resolution inquiring into the practicability of dispensing with some of the officers of the Convention, presented, by consent, the following Report:

Your Committee beg leave to report that, in their opinion, there are no more officers elected for this Convention, than are required to transact the business.

(Signed)
John C. McClure,
James L. Hodges,
J. R. Montgomery,
Clifford Stanley Sims,
G. S. Scott.

On motion, the Report was adopted.

COUNTY-SEAT OF LITTLE RIVER COUNTY.

Mr. SCOTT offered the following resolution:

Resolved: That RICHARD STANDAL, ALBERT FENGLER, and L. W. DAVIS, be, and they are hereby, appointed Commissioners to locate the County-seat of Little River County.

Mr. REYNOLDS. I think that matter should be referred to some appropriate committee. I move its reference to the Committee on Boundaries.

The question was taken on the motion to refer; and the motion was agreed to.

COMMITTEE ON CORRESPONDENCE.

Mr. BROOKS offered the following resolution:

Resolved: That a special committee of three be appointed, to be denominated a Committee on Correspondence.

Mr. CYPERT. I move to lay the resolution on the table.

I wish to make one remark only. I cannot see what correspondence this Convention really wants to have, unless with its constituents. We ought to look to nobody but the people of Arkansas, for what we are doing here. Correspondence with the world might look big, and make a show; but we are in Arkansas, and what others than our constituents have to do with what we are doing here,—if we are doing anything,—I don't know.

Mr. BROOKS. I hope the gentleman's mind will become clear, after a time, upon questions of this kind, which we have had raised a second time. A day or two since, he was very anxious to know whether we had any authority, or not. Now he is in doubt whether we are doing anything, here, or not. I am not quite clear, myself, as to the prerogatives and accomplishments of the Convention; but perhaps it is as well to tolerate ourselves, at least. From the other side of the room, too, we have had frequent reminders of the fact that we are not here as the representatives of the people of Arkansas, untrammelled, but that we are here under military authority, and can proceed only as we may secure military approval. And as there are a number of points, with respect to the business of this Convention, concerning which we desire to correspond with the military commander of the District, and, perhaps, with the commander of the Sub-District, it seemed to me desirable that we might have a formal committee appointed for that purpose, to correspond officially with these commanding Generals, respectively, and with any other person or power, if there be any outside the boundaries of Arkansas, with whom we might desire a correspondence. We have no tenacity whatever, on the subject. As far as regards the correspondence with our constituents, if the gentleman on the other side of the house [Mr. BROOKS] desires a clerk, to keep up his correspondence with his constituency, we will, I doubt not, cheerfully vote to pay for one.

The question was taken on the motion to lay the resolution upon the table; and the motion was not agreed to.

The question was then taken on the adoption of the resolution; and the resolution was adopted.

COMMITTEE ON RATIFICATION.

Mr. HODGES, of Pulaski, offered the following resolution:

Resolved: That the President appoint a Select Committee, of three, upon Ratification.

Mr. CYPERT. I fail to understand this. Has this Convention any ratification to do? I once heard an anecdote of a young student of law, who was examined by his preceptor, and in the course of the examination upon the Law of Nations, the question as to the nature of the ratification of treaties came up. He replied that he supposed that if, in passing, by sea, between the one government and the other, the treaty should be destroyed by the rats in the ship, it would be ratified. When we get our Committee on Correspondence, in passing their correspondence to different localities it may become *ratified* in that way. But what else we can have to do with ratification, I don't understand.

The PRESIDENT put the question, when

Mr. WALKER said: I move to amend the resolution, so as to provide for submitting the result of our labors to a committee of sixty-six thousand, for ratification.

The PRESIDENT. The gentleman's amendment comes too late.

The question was then taken; and the resolution was adopted.

Mr. HINKLE moved that the Convention adjourn.

RELIEF FOR THE POOR OF THE STATE.

Mr. BROOKS. I would ask that the motion be withdrawn, to enable me to ask the members of the Convention, and any others interested in the matter of the relief of the poor, to meet in the hall at two o'clock, with the Committee on Relief, that the Committee may obtain information of the state of things in the different counties, and receive any suggestions that might be offered. The Committee confess themselves quite at a loss to know what measures to adopt for the relief of the poor.

APPOINTMENT OF COMMITTEES ON RATIFICATION AND CORRESPONDENCE.

Mr. HINKLE having withdrawn the motion for adjournment,

The PRESIDENT announced the following Standing Committees:

ON RATIFICATION: Messrs. HODGES of Pulaski, SMITH, and HUTCHINSON.

ON CORRESPONDENCE: Messrs. BROOKS, SIMS, and HODGES of Crittenden.

READING JOURNAL FROM A BOUND BOOK—AGAIN.

Mr. HODGES, of Pulaski. I wish to give a notice of reconsideration. I understand there are many objections to placing the minutes upon the record and reading from that, before they are corrected and approved; and in view of these objections, and having voted for the resolution requiring that method to be pursued, I move its reconsideration.

The PRESIDENT. The motion is out of order, as, under the rules, notice is required.

Mr. HODGES, of Pulaski. Then I give notice that I shall present a motion for reconsideration, on to-morrow.

ADJOURNMENT.

Mr. HINKLE renewed his motion that the Convention adjourn.

Mr. VAN HOOK moved to amend by adjourning to three o'clock, P.M.

The question was taken; and the amendment was not agreed to.

The question was then taken on the motion to adjourn; and it was agreed to;

And thereupon, at 12.15, P.M., the Convention adjourned to 10, A.M., of Tuesday, January 21st.

TWELFTH DAY.

TUESDAY, *January 21st*, 1868.

Convention met at 10, A.M.

Prayer was offered by the Chaplain.

The roll was called.

PRESENT, Messrs. Beasley, Belden, Bell, Brashear, Brooks, Corbell, Cypert, Dale, Duvall, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hollis, Hodges of Crittenden, Hoge, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Matthews, Merrick, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Oliver, Poole, Portis, Priddy, Puntney, Rawlings, Reynolds, Rounsaville, Sams, Samuels, Scott, Shoppach, Sims, Smith, Snyder, Van Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President.

SICK: Mr. Bradley

READING OF JOURNAL FROM A BOUND BOOK, ETC.

The Journal of Saturday was read.

Mr. CYPERT called attention to the fact that a vote upon the motion to lay upon the table the resolutions introduced by Mr. MATTHEWS, respecting the powers and duties of the Convention, had been omitted, in the reading of the minutes; and animadverted upon negligence displayed in the omission. It was in the power of the Convention to replace officers of the body, with others. This error now stood upon the permanent record of the proceedings of the Convention.

The PRESIDENT remarked that the difficulty in rendering the Journal uniformly accurate, arose out of the adoption of the motion recently submitted by the gentleman from White [Mr. CYPERT], requiring that the Journal should each morning be read from a bound book. The rule deprived the Secretaries of the opportunity of correcting the Journal by the customary suggestions of members upon the reading of the minutes for approval.

Mr. CYPERT. The occasion of my presenting that motion, was this. When the PRESIDENT swore in the gentleman from Lafayette County [Mr. MERRICK], I discovered that he read the oath from a book; and that it was not the oath which the rest of the members of the Convention had taken. I walked to the desk and asked for the record; and was shown that book of record of the proceedings. I there discovered, upon the record, that it was not the oath which we had taken.

The PRESIDENT. That book was what is called the "Blotter."

Mr. HODGES, of Pulaski. If this debate is in order, a motion may be in order.

The PRESIDENT. If no objection be made, there may be a reply to the remarks of the gentleman from White [Mr. CYPERT].

Mr. HODGES, of Pulaski. I voted for the motion of the gentleman from White, on account of an error having occurred in the transcription of the minutes; thinking,—probable as it is that such errors should occur in the most careful labor of the kind,—that it would be better to have our proceedings immediately placed upon the permanent record, and thus to insure the correctness of the record. But I afterward became satisfied that we had ordered something which was impracticable. I disliked, as much, probably, as any gentleman in this body, to have the records appear incorrect. I am, however, fully satisfied, now, that we could better make our corrections in the original manuscript, and then have them transferred to the book; and of course our Secretaries can do that. I suppose they can—I presume that they can. I am willing, however, to allow a little for error. I have known mistakes to happen in very good families.

If no objection be made, I move a reconsideration of the motion by which the Secretary was instructed to read the minutes from a well-bound book, etc.

No objection being made, the motion for reconsideration was received.

Mr. CYPERT asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative,—Yeas 53, Nays 11, as follows:

YEAS: Messrs. Beasley, Belden, Bell, Brashear, Brooks, Coates, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hawkins, Hinds, Hinkle, Hollis, Hodges of Crittenden, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Matthews, Merrick, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Oliver, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Rounsaville, Sams, Samuels, Scott, Sims, Smith, Snyder, Walker, Wilson, White, Williams, Wyatt, and the President—53.

NAYS: Messrs. Corbell, Cypert, Duvall, Gantt, Hicks, Hoge, Owen, Reynolds, Shoppach, Van Hook, and Wright—11.

So the motion to reconsider prevailed.

The question then recurring upon the motion that the SECRETARY transcribe the minutes of the proceedings of the Convention into a well-bound book, from which the Journal should be every morning read,

Mr. BROOKS moved that the motion lie upon the table.

The question was taken, upon the motion to lay upon the table; and the motion was agreed to.

Mr. CYPERT desiring that the Journal be corrected so as to show the vote upon the resolutions introduced by Mr. MATTHEWS,

The PRESIDENT stated that the correction upon the official record could be made by unanimous consent.

No objection being made,

The correction was ordered to appear upon the Journal.

The Journal of Saturday was then approved.

The Journal of the day preceding was then read and approved.

During the reading of the Journal,

Mr. HODGES, of Pulaski [no objection being made], moved that in reading the Journal, the SECRETARY thereafter omit such portions thereof as should be ordered printed.

The question was taken; and the motion was agreed to.

CRIMINAL AND U. S. COURT AT HELENA.

Mr. SMITH. I have received a letter from THOMAS B. HANLEY, which I desire to present to the Convention; and move its reference to the Committee on the Judiciary.

Mr. GANTT called for the reading of the letter.

The SECRETARY read the letter, signed by THOMAS B. HANLEY, of Phillips County, suggesting the necessity of establishing quarterly criminal courts at Helena, Phillips County, and also the propriety of memorializing Congress to provide for sessions of the United States Circuit and District Courts, at the same point.

Mr. KYLE. If the reference of the communication to the Committee on the Judiciary, is proposed with a view to base legislation upon it, I object to that course. If this Convention is to be converted into a legislature, and we are to stay here indefinitely, instead of coming up to the work for which we are sent here, we may as well know it at once. I cannot see the propriety of this Convention undertaking to legislate upon subjects which properly belong to the Legislative Department of the State; and I hope that all questions of that character will be given the go-by, at once. Let us get to work in good time, to frame a constitution, a good one, and submit it to the people for their ratification,—let us lessen our expenses; and we shall do the people of the State, and ourselves, more good than by attempting what belongs to the State Legislature. A meeting of the Legislature will take place as soon as the Convention shall rise and the Constitution be approved. I do hope it will be settled, at once, that these are subjects over which we have no proper jurisdiction.

Mr. SMITH. I moved the reference only since Mr. Hanley is known to be one of the ablest lawyers in the State, and his suggestions—

Mr. KYLE. I doubt not the ability of Mr. Hanley. I know him, as a lawyer, by reputation. His suggestions may be perfectly correct; we want criminal courts at the most populous places in the State; and the people, through their Legislature, may establish them—

The PRESIDENT. The Chair will remind gentlemen that the only question is upon the reference.

Mr. MONTGOMERY. The Committee on the Judiciary would be very glad to have the suggestions of all the lawyers in the State; and if we do not approve of the recommendations contained in this letter, we can bury it, easily enough.

Mr. CYPERT. This is not a letter to the Convention, but to a member, in his private character; and he can, if he sees proper, take it to the Committee on the Judiciary, and present it for their consideration. I cannot see what we have to do with it. It is not addressed to us; it is not before us in any way whatever.

Mr. **BROOKS**. I am sorry to see gentlemen array themselves against the right of petition. I think the proposed reference is perfectly legitimate. There is matter contained here, which, though addressed to a member, amounts to a memorial; and I do not see that the mere technicality of its being addressed to a member of the Convention, rather than, with a great flourish of trumpets, to the Convention, makes any difference. If the Convention really desires the wisest counsel obtainable, in regard to the organization of the judiciary, I can see no well-founded objections to our receiving all the light we can. And as this communication comes from the east, the source of light, I hope we shall have it referred.

Mr. **KYLE**. This is neither a memorial nor a petition to this body. It is a letter, addressed to a private individual; and how can it be a memorial or petition to the Convention? It cannot be; and although it may be good in itself—I don't pretend to say it is not,—yet we have no right to consume time, here, in considering a paper of that sort, if, in the beautiful language of my friend from Phillips, it does emanate "from the east, the source of light:"—it is not a matter for us to consider,—it is not at all addressed to us, nor by implication can we be made to understand that it is our duty to take it into consideration, unless so addressed.

The question was taken on the motion to refer the letter to the Committee on the Judiciary; and the motion was agreed to.

MEMORIAL ON APPOINTMENT OF JUDICIARY.

The **PRESIDENT** laid before the Convention the following memorial:

JONESBORO, ILLINOIS, January 13th, 1868.

To the honorable members of the Constitutional Convention of the State of Arkansas, assembled at Little Rock:

GENTLEMEN: Although reared and educated in Eastern Pennsylvania and New York, I am a citizen of Arkansas by adoption; but at present exiled from my property and interests,—for what cause, you are no doubt abundantly able to judge. In the meeting of your honorable body I see the day-star of hope arise; and from your proceedings, and the consequent reconstruction of the State, I can foresee its disenthralment from its present chaotic condition of rebellious anarchy. The deep interest I feel in the resurrection of the State, and the development of its resources, must be my excuse for addressing you. My property lies in the northern part of Greene County, in the judicial circuit composed of Greene, Craighead, Poinsett, St. Francis, Mississippi, and Monroe;—present Judge, Berry Mack. I cannot say for other circuits, but I do know that in it there has been no *loyal* judiciary tribunal since the war, and no Union man could obtain impartial justice. I hope for better things, as the result of your deliberations; and I hope you will pardon my boldness in making one suggestion to your honorable body; that is, that the new constitution shall provide that judges shall be appointed by the Executive of the State. This, in my opinion, is the only means that will insure a "*loyal* civil tribunal" in each circuit. When the reign of terror is over, and law and order shall be established, and loyal men can live peaceably in the State, secured in their rights of person and property,—and rebel machination, lawlessness, and crime shall no longer rage rampant through the land,—I shall return to my property, and aid, to the extent of my humble ability, in the development of the true interests of the State, whether by the encouragement of loyal and enterprising emigration, or by any other means that wise and good men may suggest.

With high hopes of the beneficent results of your deliberations, and of the future of downtrodden Arkansas, I subscribe myself, gentlemen,

Your most obedient and humble servant,

L. LAMBORN.

Mr. KYLE moved that the memorial be referred to the Committee on the Judiciary.

Mr. DUVALL. I have but few remarks to make with regard to that matter. *I* am a loyal citizen, and hail from the northeastern portion of the State.——

Mr. CYPERT [*in his seat.*] The same circuit.

Mr. DUVALL. From the same circuit with the gentleman who has addressed this communication to the Convention. And I must, here, today, with all honesty and candor, denounce the assertions made in that paper, as *false*.

Mr. DALE. If I know to what circuit the gentleman refers, I also am from the same circuit.

Mr. CYPERT [*in his seat.*] No.

Mr. DALE. I will go on, however, to say, that loyal men from my circuit will fully endorse the sentiments expressed in that memorial.

Mr. McCOWN. I shall oppose any reference of the communication; and my reason is this. I presume that the members from the various counties in this State have a sufficient knowledge of their constituencies, and their surroundings; and that we will not require any memorials from other States, informing us as to the condition of Arkansas, when we have upon this floor the representatives of every county in the State. I take this course from principle. I know nothing of the facts stated in this paper. But I think we are able to attend to our business; and if we cannot, we had better go home.

Mr. CYPERT. I have the honor of knowing the gentleman in question. I know, also, the inhabitants of the District to which he refers. I know that all loyal men get justice there; but there are some men that *escape* justice, by leaving the State; and they do not come back unless they can be protected from what would be justice to them. I know that in that District the laws are enforced as strictly as in any district in the State. I know that in Greene County the law is enforced; and I defy any man to say that the people of that County are not as loyal, in sustaining the laws of Arkansas, and of the United States, as in any county within our borders.

I therefore move that the communication be laid upon the table.

Mr. BROOKS. The motion is not debatable; but I certainly hope that, since gentlemen have chosen to make such suggestions, they will not, after such thrusts have been made and such tirades indulged in, offer any motion with the intention to cut off debate.

Mr. HICKS [*in his seat,—to Mr.* CYPERT.] Withdraw it.

Mr. CYPERT. I will withdraw the motion, if the gentleman [Mr. BROOKS] wishes to make any remarks.

The PRESIDENT. It is too late to withdraw the motion.

The question was taken; and the motion was not agreed to.

The question was then taken on the motion to refer the Memorial to the Committee on the Judiciary; and the motion was agreed to.

ASYLUM FOR DEAF MUTES.

Mr. MONTGOMERY presented a communication addressed to the Convention, by Professor MOUNT, Principal of the Asylum for Mutes, in Little Rock, eulogizing the City of Little Rock for its assistance rendered in opening that institution for the education of the deaf and dumb, and asking the aid of the Convention in favor of the charity.

Mr. HINDS moved that the communication be referred to the Committee on Education.

The communication was so referred.

EXEMPTION FROM EXECUTION.

Mr. BEASLEY presented the following

REPORT OF COMMITTEE ON EXEMPTION OF REAL AND PERSONAL ESTATE.

Your Committee on Exemption of Real and Personal Estate, beg leave to report the following:

SECTION ONE. The personal property of any resident of this State, to the value of one thousand dollars, to be selected by such resident, shall be exempted from sale on execution, or other final process of any court, issued for the collection of any debt contracted after the adoption of this Constitution.

Section Two. Every homestead, not exceeding one hundred and sixty acres of land, and the dwellings and appurtenances thereon, to be selected by the owner thereof, and not in any town, city, or village, or, in lieu thereof, at the option of the owner, any lot in a city, town or village, with the dwellings and appurtenances therein, owned and occupied by any resident of this State, and not exceeding the value of two thousand dollars, shall be exempted from sale on execution, or any other final process from a court, from any debt contracted after the adoption of this Constitution: such exemption, however, shall not extend to any mortgage, lawfully obtained; but such mortgage or other alienation of such homestead, by the owner thereof, if a married man, shall not be valid without the signature and consent of the wife of the same.

Section Three. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of any debts contracted after the adoption of this Constitution, unless he die childless.

Section Four. The provisions of Sections One, Two and Three, of this article, shall not be so construed as to prevent a laborer's lien for work done and performed, for the persons claiming such exemption, or a mechanic's lien for work done on the premises, or as to interfere with claims for the purchase-money of such real estate.

Section Five. If the owner of a household die, leaving a widow, but no children, the home shall be exempt, and the rents and profits thereof shall inure to her benefit.

Section Six. The real and personal property of any female in this State, acquired before marriage, and all property, real and personal, to which she may afterward be entitled by gift, grant, inheritance or devise, shall be, and may remain, the separate estate and property of such female, and shall not be liable for any debt, obligation or engagement of her husband, and may be devised or bequeathed by the same as if she was a *feme sole*.

Section Seven. The homestead shall not be bequeathed, by will or otherwise, to any person other than the heirs of the body of the testator.

W. A. Beasley, *Chairman*, } Committee.
G. W. McCown, }

Mr. HINDS moved that the Report be laid upon the table, that a hundred copies be printed for the use of members, and that it be made the special order for Monday, January 27th.

Mr. OWEN submitted the following

MINORITY REPORT OF THE COMMITTEE ON EXEMPTION OF REAL AND PERSONAL ESTATE.

To the President and Members of the Constitutional Convention of the State of Arkansas:

The undersigned, a minority of the committee to whom was referred the

Exemption of Real and Personal Estate, begs leave to submit the following Report, viz.:

That although he is in favor of a judicious system of exemption laws, and would not oppose such when emanating from the proper source, yet believing it to be a subject of purely legislative cognizance, and that this Convention has no jurisdiction of such matters, he therefore recommends the passage of the following resolution:

Resolved: That this Convention take no action upon the subject, and that the committee be discharged from the further consideration thereof.

THOMAS OWEN.

Mr. HODGES moved to amend the motion before the Convention, by providing that the two Reports be laid upon the table, that a hundred copies of each be printed, and that the two be made the special order for Monday, January 27th.

The question was taken; and the motion was agreed to.

BOUNDARIES.

Mr. BROOKS moved that the rules be suspended, to enable the Convention to take up the special order of the day; but withdrew his motion to allow

Mr. WILSON to submit the following

REPORT OF COMMITTEE ON BOUNDARIES.

The Committee on Boundaries beg leave to report the following:

SECTION ONE. The boundaries of this State are established and declared to be as follows—that is to say: Beginning in the middle of the Mississippi River on the parallel of thirty-six degrees north latitude, to St. Francis River; thence up the main channel of said river to the parallel of thirty-six degrees and thirty minutes, north, from the west to the southwest corner of the State of Missouri; and from thence to be bounded on the west to the north bank of Red River, as by Acts of Congress of the United States and the treaties heretofore defining the western limits of the Territory of Arkansas; and to be bounded on the side of Red River by the boundary line of the State of Texas to the northwest corner of the State of Louisiana; thence east with the Louisiana State line to the middle of the main channel of the Mississippi River; thence up the middle of the main channel of said river to the thirty-sixth degree of north latitude, the point of beginning; these being the boundaries of the State of Arkansas as defined by the Constitution thereof.

SECTION TWO. The General Assembly may by a vote of two-thirds of both houses thereof, arrange and designate boundaries for the several counties of this State, which boundaries shall not be altered except by a like vote; but no new counties shall be hereafter formed of less extent than six hundred square miles, and no existing county shall be reduced to less extent than six hundred square miles.

SECTION THREE. And no new county shall be formed which does not contain a sufficient number of inhabitants to entitle it to one Representative, under the ratio of representation existing at the time of its formation, or unless the county or counties from which it is taken shall be left with the required number of inhabitants entitling such county or counties to separate representation.

IRA L. WILSON,
Chairman Committee on Boundaries.

Mr. HINDS moved that the Report be laid upon the table, that a hundred copies be printed for the use of members, and that it be made the special order for Tuesday, January 28th.

The question was taken; and the motion was agreed to.

ORGANIZATION AND GOVERNMENT OF CITIES AND VILLAGES.

Mr. GREY, of Phillips, submitted the following

REPORT OF COMMITTEE ON ORGANIZATION OF GOVERNMENT OF CITIES AND VILLAGES.

Your Committee on the Organization of Government of Cities and Villages beg leave to submit the following Report:

The General Assembly shall provide for the organization of cities and incorporated villages, by general laws, and restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such power.

The foregoing Section being the Forty-seventh Section of the Report on Legislative Department, therefore, we, your Committee, respectfully submit, that the organization and government of cities and villages shall continue under their present charters and acts of incorporation, except so far as they may conflict with the organic law that shall be formed by this Convention and ratified by the people of the State of Arkansas.

And it is further provided: That said cities and villages shall be required to hold elections to fill such offices as are provided under their charters or acts of incorporation, at such times and places as may be specified for the submission of, and vote upon, the new Constitution, by the people, for their ratification.

And that all registered voters qualified to vote on the ratification of the new Constitution, shall be qualified to vote, in such elections, for officers of the several cities and villages organized under any act or acts of the Legislatures of the State of Arkansas.

W. H. GREY,
Chairman Committee on Organization of Government of Cities and Villages.

Mr. HINDS moved that the Report be laid upon the table; that one hundred copies be printed for the use of members; and that it be made the special order for Tuesday, January 28th.

The question was taken; and the motion was agreed to.

EXPENSES OF THE CONVENTION.

Mr. BROOKS renewed his motion that the rules be suspended, to enable the Convention to take up the special order of the day; being the consideration of "Ordinance No. 1," entitled "An Ordinance raising revenue for the purpose of defraying Expenses of Constitutional Convention;" which was read a second time.

Mr. McCLURE. I desire to amend by striking out, in the 12th line of the Ordinance, as printed, after the word "payable," the words "on the first day of June, one thousand eight hundred and sixty-eight," and inserting, instead thereof, the words "out of any funds arising from taxes collected on the assessment of eighteen hundred and sixty-eight."

The question was taken; and the amendment was agreed to.

Mr. McCLURE. The Ordinance, as originally introduced, required an assessment of one-half per cent. on the taxable property of the State; but the Committee, after examination, came to the conclusion that a tax of one-fourth of one per cent., upon the taxable property of the State, would produce the amount necessary for the payment of the expenses of the Convention. The taxable property of Arkansas for the year 1867, was a little more than forty-three millions. The proposed assessment will take place upon the value of taxable property for the year 1868. We cannot expect to base our levy of this year upon an estimate of value equal to that of last year. The present financial condition of the country does not warrant such an expectation. In 1867,—to give the figures more accurately,—the valuation of real property in the State amounted to $28,897,893. I think it fair to suppose that, in the present year, the taxable real property, alone, of the State, will be reduced one-fifth; which will leave it $23,118,314. I think it fair to assume, the taxable personal property of the same year having been $14,448,946, that there will be a falling off of at least one-half that amount, if not more; which will leave $7,224,473, as the personal property subject to assessment in the year 1868. The two sums, added together, make a grand total, for the present year, of $30,342,787; which will afford, by a tax of one-fourth of one per cent., and presuming there will be no delinquencies, the amount of $75,856.97.

I submit these figures. I insist that we pass the Ordinance to-day—that it now take a second reading, and then receive at once its final passage; for there are gentlemen here, to-day, without money and without friends at hand; and unless the Convention take some action, poverty itself would compel these men to return to their homes, and thereby retard the action of the Convention.

Mr. HODGES, of Pulaski. I move that the rules be suspended, and that the Ordinance be placed upon its passage.

Mr. CYPERT. I desire to offer, as an amendment, an additional section, as follows:

Provided: That the Auditor shall not be required to issue his warrant upon the Treasury, for any expenses of this Convention, other than the per diem pay of all members and officers of this Convention, until the same shall be specially ordered paid by this Convention.

The PRESIDENT. There is a motion before the Convention, to suspend the rules.

Mr. HODGES, of Pulaski. I withdraw the motion for the suspension of the rules.

The PRESIDENT. The motion to suspend the rules being withdrawn, the amendment of the gentleman from White [Mr. CYPERT] will be entertained.

Mr. KYLE. I move to amend, by inserting before the words "per diem," the words "mileage and;" so that that portion of the Ordinance will read, *mileage and* per diem.

Mr. CYPERT. I accept the amendment.

Mr. HODGES, of Pulaski. I move to amend so as to cover all the expenses of this Convention.

Mr. CYPERT. The amendment places the matter exactly as it is in the original Ordinance. I will state the object I have in view. There will be accounts, no doubt, for stationery, and other materials, procured for the use of the Convention; and this Ordinance provides for the payment of all those accounts upon the mere certificate of the Secretary and President. I think this Convention is capable of auditing all such claims,—of ascertaining whether or not they are correct; and the Auditor should not be required to issue warrants for fuel, stationery, and other materials furnished, on the order of these two officers. The President and Secretary may not know all the materials that have been furnished. Some members may have procured materials, or had them procured for their use, which are not within the knowledge of these gentlemen. If the accounts are audited by the Convention itself, there will be an opportunity to include all these matters. The officers might not know of them, and consequently might not provide for the payment.

Mr. McCLURE. I would suggest that there is but one person in this body, officer or member, that is authorized to incur any expenses of this kind; that person is the Secretary of the Convention. If any articles are necessary for the use of the Convention, those articles must come through that officer's hands. He alone can certify. Members have no right to purchase anything for the use of the Convention. Believing the Secretary to be competent, faithful, and honest, I see no necessity for taking up the time of the Convention in auditing accounts of which they have no knowledge whatever. Suppose, sir, that the Secretary, under the instructions of the Convention, has contracted for his stationery, and brought it in for the use of the members; that his action be submitted to the Convention, and they refuse to audit his account. The result is, that the Secretary himself is made responsible, although his action was taken, in good faith, upon the order of the Convention. I want to know if it is a proper mode of proceeding, that a body like this shall turn itself into an auditor's office, for the purpose of examining accounts, and spend in that way a day's time of the Convention, the daily expenses of which are fifteen hundred dollars. It might save four or five hundred dollars, possibly, and spend fifteen hundred dollars in the operation.

Mr. CYPERT. I did not understand that the Secretary was the sole purchaser for the Convention. I believe fuel is furnished by the Doorkeeper.

Mr. McCLURE. Wood and gas are furnished by the State. That expense is paid for already.

Mr. CYPERT. Still, if the Secretary had been ordered to furnish fuel, there is no definite amount ordered. If the Secretary is indefinitely authorized to purchase stationery, we ought to see what amount is accounted for.

The PRESIDENT. The question is upon the amendment to the amendment, viz., that the Ordinance shall provide for the payment of all other legitimate expenses of the Convention.

The question was taken; and, a division being called for, the amendment to the amendment was agreed to,—Ayes 39, Noes 13.

The question then recurring upon the amendment as amended,

Mr. BROOKS moved that it be rejected.

After some discussion as to the attitude of the question before the Convention,

Mr. BROOKS said,—From no disrespect to the mover of the amendment, but because, as is apparent to all, the amendment as amended will fail to reach the object proposed by its mover, I propose to reject it, as it now stands.

The question was taken upon the motion to reject the amendment as amended; and the motion was agreed to.

Mr. HODGES, of Pulaski. I renew the motion that the rules be suspended and the ordinance be passed to a third reading.

The question was taken; and the motion was agreed to.

So the rules were suspended, and the Ordinance was read a third time.

The question was then taken upon the final passage of the Ordinance; and it was decided in the affirmative—Yeas 56, Nays 10, as follows:

YEAS: Messrs. Beasley, Belden, Bell, Brashear, Brooks, Coates, Corbell, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hollis, Hodges of Crittenden, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Matthews, Merrick, Misner, Montgomery, Millsaps, Murphy, McCown, McClure, Oliver, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, Van Hook, Wilson, White, Williams, Wyatt, and the President—56.

NAYS: Messrs. Cypert, Duvall, Gantt, Hicks, Hoge, Owen, Reynolds, Shoppach, Walker, and Wright—10.

So the Ordinance was passed.

Pending the call of the roll:

Mr. DUVALL (when his name was called) said: An ordinance having been introduced, asking another department of the Government of the State to suspend the tax of 1868, I vote against this one, not wishing to consent to the levying of any more taxes.

Mr. GANTT (when his name was called) said: I desire to present my reasons for voting against the Ordinance. [Mr. GANTT then sent to the Secretary's desk the following statement, which he asked to have entered upon the Journal.]

I vote Nay, for the following reasons:

First, The people of the State of Arkansas are not able, in my opinion, to pay an additional tax.

Second, There is now in the Treasury of the State a sufficient amount, gathered by taxation, to defray the expenses of this Convention.

R. S. GANTT.

Mr. BROOKS. I hope the gentleman will be permitted to place himself in that attitude; for he voted, the other day, against paying the expenses of the Convention.

[Cries of "Leave."]

Mr. SAMS. Has the Convention taken into consideration the question whether or not we can reach the means now in the State Treasury? Is there any information upon that point?

The PRESIDENT. So far as the Chair is concerned, he has no information.

Mr. BROOKS. I do not know whether the gentleman was present, when the resolution was offered, contemplating an effort to meet the expenses of the Convention from funds now in the Treasury. Subsequently, in order to make the action authoritative, and to obtain, if possible, a decisive response from the General commanding the District, an Ordinance was presented and adopted, providing for the payment of the expenses, and the sum of seventy-five thousand dollars was appropriated out of funds now in the Treasury; and, as I understand it, that Ordinance needs only the approval of the military commander of the District. With that approval, we can go forward and meet these expenses from the Treasury. It will be remembered that on the yeas and nays the Opposition voted against the proposition.

The PRESIDENT. The Chair will further state that the Ordinance did not provide for the levying of a tax. The Ordinance now before the Convention provides for the levying of a tax, to reimburse the Treasury for the amount paid out.

Mr. BROOKS. The situation, as I understand it, is this. Suppose we obtain the permission of the commanding General, and pay from the Treasury the amount provided for by this Ordinance, for meeting the per diem, mileage, and other expenses of the Convention. In case we shall be able to reach the funds in the Treasury, this levy, to be made next June, will come in to reimburse the Treasury for the amount thus drawn, and will be collected,—as I understand the Ordinance, without having had much time to pay attention to it—with the regular tax. It does not prevent our defraying the expenses from the funds in the Treasury, provided those funds can be reached. It provides, in case that can be done, that the Treasury shall be reimbursed, at a time when the circumstances of the people will render them better able to meet the tax. I must confess I cannot see any animal with one head, much less a monster with seven heads and ten horns, in this proposition.

Mr. GANTT. Reference has been made to the Opposition. I am one of the two gentlemen who have been *starred* as belonging to the "Opposition;" and I desire to set myself right. I am opposed to any—

The PRESIDENT. Gentlemen will remember that the calling of the roll is begun.

Mr. GANTT. It has; but remarks have been made and I certainly have a right to reply.

The PRESIDENT. The gentleman's remarks may be in order, but they would be more in order after the calling of the roll.

Mr. SAMS. I was not present when the Ordinance was presented, and did not understand the matter. With the explanation that has been given, I vote Aye.

Mr. GANTT. I would ask leave to make a statement. [Cries of "Leave."] I am opposed, on principle, to paying the expenses of the Convention. When the proposition was before us to have the money taken from the Treasury, I opposed it. If, however, we are to be paid, I desire that we should be paid from that fund, and not from taxation, which the people are unable to bear.

Before the vote was announced:

Mr. BEASLEY said,—Before the result of the vote is announced, I wish to set myself right before the Convention, upon that matter. I voted aye, and as you will discover, that is the way the majority has gone; and I do not make these remarks to retard the progress of matters at all, but simply to show where I stand. I am apprised of the fact that the Convention must be paid, and its payment must be provided for in one way or other; and therefore I voted Aye. But the question in my mind is that of many of my colleagues here. Will it take seventy-five thousand dollars out of the hands of the people, to reimburse the Treasury for the amount consumed for the expenses of this Convention? This has been a trouble upon my mind. If it will take this sum, I am willing to vote for it—and I have voted for it; but if not, I would like to have voted in some other direction so as simply to raise the amount necessary. I see that other Conventions are appropriating about the amount of forty thousand dollars for the payment of their expenses, while here we are proposing to raise seventy-five thousand, out of the hard earnings of the people.

Mr. CYPERT. One hundred and seven thousand, according to this Ordinance.

Mr. BEASLEY. But as regards the expenses of the Convention, it is only proposed to appropriate seventy-five thousand dollars. I think we are trying to raise too much. I am afraid we will cause the Constitution to be voted down. I am a reconstructionist all the way through. I am only afraid that we shall load down our Constitution, in such a way that it cannot well travel when it comes before the people. I don't know that I could change my vote, satisfactorily to myself. I shall therefore let it stand. But I am opposed to raising a dollar more than is necessary for the payment of the expenses.

The PRESIDENT. It is understood that all these remarks of gentlemen are permitted by consent of the Convention. They are out of order.

Mr. McCLURE. An explanation seems necessary. I profess to be a law-abiding man. The Reconstruction Acts say, in positive terms, that the tax shall be laid. I am not disposed to bring upon myself the odium that might attach to a revolutionist; and I am, therefore, in favor of levying a tax.

Mr. MATTHEWS. I wish to adopt the explanation of the member from Columbia [Mr. BEASLEY]; with this additional explanation, that I shall probably desire to move a reconsideration. I have voted in the affirmative with that view.

Mr. KYLE. It will be perfectly proper for this body, when we shall bring our labors here to a close, to ascertain approximately the amount which the Convention will cost the people of the State. We cannot get at the sum precisely, but we can come very near it; and when we find that seventy-five thousand dollars is too much, it will be a very easy matter for the Convention to pass a supplementary ordinance, appropriating in the neighborhood of the actual amount which it will be necessary to collect from the people, to defray the expenses. Hence, I see no necessity of consuming time, now, in the consideration of the subject. For if we launch out in the open field of legislation, it may take a hundred thousand.

The vote was then announced, as above.

PAY OF MEMBERS AND OFFICERS.

Mr. MALLORY, from the Committee on Salaries, reported the following

ORDINANCE REGULATING THE COMPENSATION OF MEMBERS AND OFFICERS OF THE CONSTITUTIONAL CONVENTION.

Be it ordained by the people of Arkansas in Convention assembled:

SECTION 1. That the per diem of delegates to this Convention shall be eight dollars per day, and mileage at the rate of one day's pay for each twenty miles travel in coming to and returning from the Convention, the distance to be computed on the shortest route furnishing public transportation.

SECTION 2. The President shall receive sixteen dollars per day, the Secretary twelve dollars per day, the Assistant Secretaries eight dollars per day each, the Chaplain eight dollars per day, the Sergeant-at-Arms eight dollars per day, all Assistant Sergeants-at-Arms four dollars per day, the Doorkeepers four dollars per day each, the Postmaster four dollars per day, and Pages two dollars per day each; and mileage at the rate above specified.

SECTION 3.*

Which was read a first time.

Mr. HINDS moved that the Ordinance be referred to the Committee on Ordinances and Memorials.

Mr. McCLURE. I hope the Convention will not defer this matter. For the passage of the Ordinance providing for the levying of a tax is indispensable, in order that the members of this Convention may be provided with some means by which they may pay their board-bills,—by which they may subsist in this city. I know of no advantage to be gained by this reference. Stern necessity stares them in the face. The Ordinance provides for payment: it is before the Convention. If members regard the pay fixed, as too high, they can reduce it. If the Ordinance were sent to the Committee, and reported back, it would then have to take the same course that it will have to take now. Why not take up the matter, and dispose of it at once?

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* Section 3 provided that the payment should be made in currency, or its equivalent in Treasury warrants.

This section was stricken out, by vote of the Convention, before the passage of the Ordinance.

Mr. HINDS. Being informed that the Ordinance comes from the Committee on Salaries, I withdraw my motion.

Mr. MONTGOMERY. I move that the Ordinance be re-referred to the Committee on Salaries.

Mr. HOLLIS. I move that the word "eight" be stricken out, and "ten" inserted, so far as applies to the per diem of delegates.

The PRESIDENT. There is a question already before the Convention, upon the motion to re-refer the Ordinance to the Committee on Salaries.

Mr. MONTGOMERY. I will state the reasons for my course. I believe it requires about as much to subsist an Assistant Sergeant-at-Arms as a Sergeant-at-Arms; and the idea of making the salary of an officer whom the Convention has voted to be necessary to the transaction of our business, at the pitiful sum of four dollars per day, at this time, I think is entirely wrong.

A MEMBER [*in his seat*]. It can be amended here.

Mr. MONTGOMERY. It may be amended here, and it may not be amended here.

The question was then taken on the motion to refer back the Ordinance to the Committee on Salaries; and the motion was not agreed to.

Mr. WILSON. I move to strike out the word "eight," wherever it occurs, and insert "six."

The question was taken; and the amendment was rejected.

Mr. HOLLIS renewed his motion to amend by striking out "eight," so far as related to the per diem of delegates, and inserting "ten."

Mr. MALLORY. As the Chairman of the Committee on Salaries, I would say that the per diem named in the Ordinance was that adopted after extensive consultation with different delegates. Some advocated ten dollars per day, on the ground that we might be paid in Treasury warrants, and that these would have to be sold at a discount. On that account we inserted the clause which provides for a payment in currency "or its equivalent." The Committee, in making the Report, took into consideration the fact that most of the Conventions which have assembled have adopted eight dollars as the per diem pay of members; while but one or two have raised it as high as ten dollars. The curtailment of our expenses has been so earnestly advocated, that the Committee believe, and I now believe, that we can afford to perform our work at eight dollars per day.

The question was taken on the motion to amend by striking out "eight," and inserting "ten," as the daily pay of delegates; and the amendment was rejected.

Mr. MONTGOMERY. I move that where "four" dollars occurs as the daily pay of the Assistant Sergeant-at-Arms and Doorkeepers, "eight dollars" be inserted in its stead; and where "two dollars per day" to the Pages occurs, "four dollars" be inserted.

The question was taken; and the amendment was adopted.

Mr. HODGES, of Pulaski. I move to amend the last clause by striking out the words "or its equivalent." I prefer that plan, for this reason. Members might take no pains whatever to dispose of their Treasury warrants upon the best terms; and the Ordinance, as now framed in that respect, leaves an opening for any amount of claims for additional pay. Who is to be a judge of this matter? I am certain *I* do not know the value of the warrants. I think it would be better to fix that value at some price or other. If eight dollars is not enough, we might better put the pay at ten; but if it is enough, say so, and done with it.

Mr. HOLLIS. If paid in Treasury warrants, we should not get more than six dollars, or six and a half, at most.

Mr. BROOKS. Perhaps it is not necessary to enter into a discussion of this question. I am thoroughly convinced that the amendment is very necessary, and will be found so whenever we shall come to a practical adjustment of the matter—indispensable, indeed, in order to prevent occurrences which we hope may be avoided. I trust the amendment will prevail.

The question was then taken upon the amendment striking out the words "its equivalent;" and, a division being called for, the amendment was rejected,—Ayes 28, Noes 31.

After the PRESIDENT had put the question, and before the vote was taken,

The yeas and nays were asked,

But, the vote proceeding, and the result having been announced,

Mr. HODGES, of Pulaski, renewed the call for the yeas and nays.

The PRESIDENT. The Chair is of opinion that the call comes too late.

Mr. GREY, of Phillips. Would the Treasury warrants be an equivalent for currency?

A MEMBER [*in his seat*]. Not quite.

Mr. GREY, of Phillips. Then, we see it and we don't see it. If what we are to receive is the same as the currency of the country, let us know it; if not, let us know it.

Mr. HODGES, of Pulaski. We are simply in an unfortunate position, if the pay does not come in currency. But to undertake to provide that in that case we shall receive the "equivalent" in Treasury warrants, is leaving open too wide a door. If eight dollars a day is not enough,—and "chance it,"—let us raise the pay. I am in favor of eight dollars per day.

Mr. HOLLIS. I would like to hear a reason for the proposed amendment. It seems to me that "too wide a door is left open" by *striking out* the provision for an equivalent.

Mr. LANGLEY. If that be stricken out, we might not get four dollars per day.

Mr. HODGES, of Pulaski. I will talk a little more plainly. Leaving the Ordinance as it stands, is a bid for fraud. A gentleman may go and dispose of his warrants, and, without any intention of fraud, may be led to sell them at so low a price that he shall return to the Treasurer and ask for thirty dollars, for his eight. Who is to decide? I believe the word of every gentleman is good; but this is rather too large a temptation to put in the way of any man.

Mr. BEASLEY. For much the same reason for which the gentleman on the other side of the hall [Mr. HODGES] argues in favor of the amendment, I oppose the striking out of the words "or its equivalent." The great reason for pressing forward this measure is, that members here cannot be retained in their boarding-houses much longer, for want of means. By the amendment as proposed, you give them eight dollars per day in Treasury warrants, the worth of which is known to no gentleman here. That affords an opportunity for speculation, to any man, to any extent he may choose, upon the necessities of members of the Convention. Some man may be here to-day, who intends to buy up these Treasury warrants. You cannot buy *me* out; I have enough money in my pocket to pay my way, and go home. [Laughter.] But I think this plan opens a door for quite as great a fraud as the retention of the words "or its equivalent."

Mr. CYPERT. I can only answer, by way of sustaining the gentleman from Pulaski [Mr. HODGES], in a portion of the Lord's Prayer,—"Lead us not into temptation!"

Mr. LANGLEY. Suppose we say, eight dollars per day in currency, or ten dollars per day in Treasury warrants. I move that amendment.

Mr. HODGES, of Pulaski. I now rise to a point of order—whether the amendment offered by the gentleman from Clark [Mr. LANGLEY] is in order.

The PRESIDENT. The Chair will observe that the amendment of the gentleman from Clark will properly come in when the section relating to the per diem of members shall come before the Convention.

Mr. HODGES, of Pulaski. The gentleman from Columbia [Mr. BEASLEY] and myself no doubt perfectly agree. You may take either horn of the dilemma. Which will put us most in the hands of moneyed men? If we are to issue indiscriminately, it is a bid to them to stand aloof, and, possibly, render the warrants worthless. But if only a reasonable amount issue, what every man has in his pocket will actually be worth more money than if the plan of an "equivalent" had been followed. I think the gentleman will perfectly agree with me,—if he will think of the question a little,—that the amendment will not practically put into the hands of members any more money, but, on the contrary, will have the effect of depreciating their pay. Of one thing I am sure; if we were going to issue in accordance with the ordinary financial policy by which individuals govern their business action, we would take no such course; and I certainly believe in doing for the Convention as we would do for ourselves.

The PRESIDENT. The gentleman from Clark [Mr. LANGLEY] will understand that I did not decide his amendment as being out of order if presented at the proper time. It is out of order at present.

Mr. MONTGOMERY. I am opposed to receiving "equivalents." I want the pay straight out, or not at all. I do not wish to have it charged on me that I undertook any such operation. I propose to sustain the motion to strike out. If any gentleman will move to make the pay nine or ten dollars per day, I will vote for it. I do not propose to go to the Treasurer to get the warrants shaved. I propose to take them at my own risk; and others may do the same. One man might claim that the equivalent is twenty or fifty per cent. additional; and, without any settled percentage of increase upon the amount of currency, I would like to know how the Auditor is going to know for what sum to issue his warrants.

Mr. HOLLIS. I move to amend by making the per diem ten dollars, we taking the pay in whatever we can get.

Mr. BROOKS. I would simply say, on behalf of the proposed amendment, and in response to gentlemen on the other side of the hall, that I voted for eight dollars per diem, and am perfectly willing to abide by it, and to take the amount in Treasury warrants. At the same time, if gentlemen feel that that is not sufficient—if that be the judgment of members of the Convention, after we shall have disposed of this amendment,—I am ready to unite with them in increasing the amount per day. But I certainly think we ought so to arrange this matter as to shield our reputation before the people—not so much to shield our own morals. I take it we are all able to resist the temptation that would be offered by the plan of "equivalents" (though it might be as well not to run into it)—but let us shield our reputation.

Mr. WILLIAMS. I move to substitute, by striking out "eight" dollars, and inserting "ten."

The PRESIDENT. The gentleman's motion is not in order at the present stage of the question.

Mr. CYPERT. I wish to add one more remark, to what has been stated. It does strike me that it is very important that the amendment should be adopted. Otherwise, the brokers here might reduce the value of the Treasury warrants to a very low ebb, and cost the State, really, two, or three, or four hundred thousand dollars. For, in the present condition of the finances, we would be thrown upon the brokers for the redemption of paper, upon which they would themselves fix a value.

Mr. McCLURE. I believe there is but a single amendment now before the house.

The PRESIDENT. The question is upon the amendment to the last section of the Ordinance.

Mr. McCLURE. I propose to strike out the third section, entire, and insert, after the word "specified," in the second section, "and that the Secretary shall certify the per diem and mileage to the Auditor."

There is no means by which the amount per diem can be ascertained, as the Ordinance now stands. So far as the duties of the Secretary are concerned, we now have this matter "terribly mixed up." The Ordinance provides, simply, that the Secretary shall certify the amount due to the respective person or persons, to the Auditor. The third section, which I have moved to strike out, contemplates payment in currency, or its equivalent in Treasury warrants. There is no one to determine the equivalent.

The PRESIDENT. Does not the Ordinance adopted this morning, provide for that?

Mr. McCLURE. It requires, merely, the payment of the amount certified by the Secretary—no more and no less. There is no way provided, in the Ordinance itself, to ascertain the amount.

The PRESIDENT. Is not the Secretary already authorized to audit the expenses?

Mr. McCLURE. The Secretary certifies to the Auditor. The Auditor issues his warrant for the amount certified by the Secretary. What authority has the Treasurer, even under this provision, to compound, or to establish the rates at which the warrants shall be received; if there is no money in the Treasury? Certainly, he gets no such authority from this Ordinance. There is no such provision there. Striking out words would accomplish nothing; and I have therefore moved to amend by striking out the entire third section, since there is no officer who would have authority to carry out the provisions of the section.

Mr. HODGES, of Pulaski. I withdraw my amendment, and accept that of the gentleman from Arkansas [Mr. McClure], as a substitute.

Mr. SMITH. I would like to inquire, of the Chairman of the Committee, who presented that Report, whether the mileage is to be collected twice, or once.

The PRESIDENT. The Chair understands that the Ordinance contemplates the payment of mileage each way.

The question was then taken upon the amendment striking out the third section of the Ordinance as reported, and inserting, in the second section, after the word "specified," the words "and that the Secretary shall certify the per diem and mileage to the Auditor;" and the amendment was agreed to.

Mr. BROOKS. I move to amend by striking out the words "by the actual travelled route," and inserting the words, "on the shortest route furnishing public transportation."

It is *usual* to travel, by some modes, over very short routes, that would be exceedingly rough work for gentlemen to travel, to reach this Convention.

A MEMBER [*in his seat*]. Mileage for *actual* travel.

Mr. BROOKS. We have a delegate in this Convention, who travelled hither by an exceedingly short route,—through the brush and over the mountains, with his knapsack on his back. I think if a member chooses to undergo that kind of privation and toil, to reach this place, in order to save a few dollars, or for any other consideration, that is his own matter; but he is entitled to compensation for the usually travelled route.

Mr. DUVALL. I shall oppose that amendment, from the fact that there are many members here, and myself for one, who, were we to take the usual routes travelled by public conveyance, would charge mileage for three, and in many instances four, times the distance we have actually travelled. It is true, we have rough ways to go over. But we *can* come by short ways, by travelling mountain roads. I did that, myself; and I think it would be injustice to our constituents, to charge for four or five times the distance we shall have to travel.

Mr. BROOKS. I appreciate the motives and the economy of the honorable member. I would submit, however, that the amendment will not coerce any one. The gentleman can present his bill as he may choose. If he has travelled a shorter route, and is perfectly content with mileage computed by the distance he has actually travelled across the country, on his mule, on foot, or otherwise, he is under no necessity of charging more. The amendment simply secures to members the privilege of collecting mileage for the distance by which others have travelled, and which they must have travelled had they consulted their reasonable convenience and comfort. Our supposition was, that if the honorable member, or any other, travelled on horseback, he would have his horse to provide for when he reached the Capital, and that his expenses would be nearly or quite as great, and in some cases greater, than if he availed himself of the public means of transportation.

I am certainly in favor of the utmost economy consistent with the comfort and convenience of members in their journeys to the Capital, and returning. Members who have selected routes shorter than the usual ones, are under no necessity of charging further mileage than that of their actual travel. But that a gentleman has, at his own option and to his own inconvenience, adopted a direct route to Little Rock, from his hôme, should not work him the further privation of a decreased mileage. The member from Chicot County, for instance, who struck across the country—or the member from Fulton, from Independence, or Lawrence,—is entitled, justly and honorably, and in all propriety, to his mileage computed by the public highway, not over hills and mountains and through the brush. So to charge, however, will be no necessity, but merely a privilege.

Mr. HODGES, of Crittenden. I move to amend by adding the words, "either by stage, steamboat, or railroad."

The PRESIDENT. Does the gentleman from Phillips accept the amendment?

Mr. BROOKS. I must be excused from accepting that kind of lumber.

Mr. McCOWN. We might arrange the matter by taking the distance as computed by members of the Legislature, from each County, heretofore.

Mr. MONTGOMERY. I beg that we may take into consideration the state of our means of internal communication, in the State of Arkansas. I would have to go further, to get to a public conveyance, than to come to Little Rock; and I conceive that to be the case with a great many of our members.

Mr. BEASLEY. I presume that every man has made choice of his own mode of getting here, and will do the same in going back. And, under those circumstances, no matter how he got here, or how he gets away, and whether he brought his horse here, or not, is a matter immaterial to the Convention. The eight dollars per twenty miles pays him very well, any way, if he went on foot. That is the way I came here, and that is the way I am going back.

Mr. BROOKS. I have no objection to making the actual travel the basis of mileage; and if no objection be made, I will change my amendment by inserting, instead of the words stricken out, the words, "by the actual travelled route."

No objection being made to the modification of the amendment,

The question was taken; and the amendment, as modified, was agreed to.

Mr. HODGES, of Pulaski, moved that the rules be suspended, and that the Ordinance be passed to a third reading.

By consent, the motion was temporarily withdrawn, to enable

Mr. HOLLIS to move to amend by striking out the word "eight," where relating to the per diem of members, and that the word "ten" be inserted instead.

The PRESIDENT. The question upon the amendment striking out "eight" and inserting "ten," having been lost, a motion to the same effect is not in order.

Mr. WILSON was understood to move that the word "sixteen" be stricken out, and the word "ten" inserted.

The question was taken; and the amendment was not agreed to.

Mr. EXON was of recollection that the previously defeated amendment, referred to by the President, as rendering Mr. WILSON's amendment out of order, referred merely to the question of payment in currency or its equivalent in Treasury warrants.

Mr. SARBER expressed the same recollection.

Mr. BROOKS moved a reconsideration of the vote by which the amendment striking out the word "eight," so far as related to the per diem of members, and inserting in its stead the word "ten;" was rejected.

The question was taken; and the motion to reconsider was agreed to.

The question was then taken upon the adoption of the amendment; and the amendment was agreed to.

Mr. EVANS moved to amend by striking out the word "eight," where it applied to the per diem of the Sergeant-at-Arms, the Assistant Sergeants-at-Arms, the Doorkeepers, Assistant Doorkeepers, and Postmaster, and inserting, instead thereof, the word "six."

Mr. BRASHEAR. It seems to me very strange that men who are here under as heavy expense as we are, should receive but six dollars per day, while we receive eight or ten. As far as labor goes, the Doorkeepers have more to do than we have.

Mr. EVANS. I would state, that I voted against the proposition to raise the pay from eight to ten dollars.

Mr. MONTGOMERY. I would inquire of the gentleman whether he would be satisfied with six dollars.

Mr. CYPERT. I favor the amendment, from this fact. I am satisfied that one doorkeeper and one assistant would have done all the work that all these officers have done. The Committee has reported that there are no surplus officers. There is a difference upon that point. If there are officers sitting idle, I should be in favor of paying them in proportion to the work done.

Mr. MONTGOMERY. I voted against the amendment to give the members ten dollars per day. I claim that this Convention is pledged to these gentlemen, officiating in the offices of the body, to do by them what is right and just. The proposition to reduce the number of our officers has been submitted to the Convention; it was duly referred to the appropriate Committee, and that Committee reported back that we had no more officers than are absolutely necessary. The Report was adopted. Now, sir, if it has been declared, by the vote of this Convention, that we have no more officers than are absolutely necessary, we are under obligations to pay these officers a fair price for their services. If it requires a pay of ten dollars per day for our compensation, then, for these officers who are necessary for the transaction of our business it requires fully as much, for the defrayment of their expenses. And for one, I feel obligated, in good faith, to vote them a reasonable compensation.

Mr. HOLLIS. I have no objection to paying these gentlemen ten dollars per day; but I wish to state that it was not understood, in my County, that we would get less than ten dollars per day, and my constituents are willing that we should have it.

Mr. BROOKS. As the matter now stands, if I am correct in my view of it, we propose to give our Secretary twelve dollars per day, and the Assistant Secretaries eight. I simply submit this. I do not wish to institute a comparison between the members of this Convention—as I am one of that number, myself—and our Doorkeepers. I do not wish to detract from the importance of the position, nor the estimate of the amount of labor performed by those gentlemen. But I certainly do think this Convention will act very strangely, if it should agree to pay our Doorkeeper, and his Assistants, the same salary with our Assistant Secretaries. I think a man's brain, and culture, and an experience in business which would enable him to take a position as First or Second Assistant Secretary, at this desk, and perform the duty that these gentlemen have performed faithfully, and, I think, satisfactorily, thus far—working all day and half the night, "right straight through," with a prospect of having to increase the number of hours' work, as the session progresses—I think that these qualifications should bring to their possessors somewhat greater compensation than comes to the Doorkeepers. It may be just to give the Doorkeepers eight dollars per day; but then it is extremely unjust to give the Secretaries no more. If we maintain the pay of the Doorkeepers at eight dollars, we should certainly give the Assistant Secretaries at least the pay of members.

I am not aware that, hitherto, the Sergeant-at-Arms has been called upon to do anything. It is not his fault. I concede that, of course. [A MEMBER, *in his seat*, made a suggestion to the speaker.] I stand corrected. I believe he has had some duties to perform. But I merely mean to say that the position and responsibilities of men at this desk, to say nothing of the members of this body, are of a character to demand, in all justice, a quarter more pay, to say the least, than that of these other officers of the Convention.

Mr. HODGES, of Crittenden. I move to amend so that the Assistant Secretaries shall receive ten dollars per day.

Mr. WILSON. As a member of the laboring class of mankind, I think it my duty to say a word, in favor of those gentlemen, for the Doorkeepers. We have a proposition urged, here, to reduce their pay; and, I think, too, by gentlemen who spit in the spittoons which the Doorkeepers have to wash up. I would rather do my labor all day, than to wash out one of these spittoons. I think gentlemen who reduce the wages of those who clean up after us, here, have a poor appreciation of labor.

Mr. HODGES, of Pulaski. I wish to withdraw my motion, and to submit another. I wish to recommit the whole subject to the same Committee, that they may report back again salaries to correspond with what seem to be the views of the Convention, on the basis of a per diem payment, to members, of ten dollars.

The PRESIDENT. The Chair will state, for the information of gentlemen, the state of the question. There are two questions pending, in the form of amendments; one for reducing the salaries of certain officers, and one for increasing the compensation of the Assistant Secretaries.

Mr. HODGES, of Pulaski. I wish to recommit the whole subject.

Mr. KYLE. I hope the Convention will not take the course indicated by the gentleman from Pulaski [Mr. HODGES]. We have made some progress in this matter, I think; and I desire to see it go on.

While on my feet, I will state, in regard to the pay of the principal clerks, that, in such observation as I have had of deliberative bodies, when I have seen members of the body paid four dollars per day, the Chief Clerk was paid six, and the Assistants the same as the members, four dollars. I think, in view of the expenses of board, and the depreciation of currency, these gentlemen should be paid ten dollars per day. Let the Secretary receive twelve, the Assistants ten, the Doorkeepers eight—or ten, if you please. I think the President should have double the pay of the members.

But let us proceed with the consideration of the subject, now. I think we have made some progress.

The question was taken on the motion to recommit the Ordinance to the Committee; and the motion was not agreed to.

The question was then taken upon the motion to amend by striking out the word "eight," where applying to the per diem of the Sergeant-at-Arms, the Assistant Sergeants-at-Arms, the Doorkeeper, the Assistant Doorkeepers, and Postmaster, and inserting, instead thereof, the word "six;" and the amendment was not agreed to.

The question recurring upon the amendment striking out the word "eight," where it applied to the per diem of the Assistant Secretaries, and inserting, instead thereof, the word "ten."

Mr. BROOKS moved to amend the amendment so as to make it applicable to the per diem of the Chaplain also.

Mr. HODGES, of Crittenden, accepted the amendment to his amendment.

The question was then taken; and the amendment, as amended, was agreed to.

Mr. BROOKS moved that the rules be suspended, and that the Ordinance, as amended, be passed to a third reading, and be placed upon its final passage.

The question was taken; and the motion was agreed to; so the rules were suspended, and

The Ordinance, as amended, was read a third time.

Upon the question of the final passage of the Ordinance,

Mr. CYPERT asked for the yeas and nays.

The yeas and nays were ordered.

The question was then taken upon the final passage of the Ordinance, as amended; and it was decided in the affirmative,—Yeas 47, Nays 18, as follows:

YEAS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Corbell, Dale, Evans, Exon, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hollis, Hodges of Crittenden, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Kyle, Langley, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Poole, Portis, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Scott, Sims, Smith, Wilson, White, Williams, Wyatt, and the President—47.

NAYS. Messrs. Beasley, Cypert, Duvall, Gantt, Gray of Jefferson, Hicks, Hoge, Mallory, Matthews, Owen, Priddy, Puntney, Reynolds, Shoppach, Snyder, Van Hook, Walker, and Wright—18.

So the Ordinance was passed.

Pending the call of the roll:

Mr. MALLORY (when his name was called) said he must vote against the Ordinance, for more than one reason. He deemed the allotment of mileage too great, and unequal. He did not think it right that the Doorkeepers should be paid as much as members sent here, by their constituents, to perform an important duty.

The PRESIDENT. The Chair will remind the gentleman that the Doorkeepers, under the provisions of the Ordinance, are to be paid but eight dollars per day; while the members of the Convention are to receive ten.

Mr. WILLIAMS moved that the Convention adjourn.

The question was taken; and the motion was agreed to;

And thereupon, at 1.15, P.M., the Convention adjourned to 10, A.M., of Wednesday, January 22d.

THIRTEENTH DAY.

WEDNESDAY, *January 22d*, 1868.

Convention met at 10, A.M.

Prayer was offered by the Chaplain.

The roll was called; and the following members answered to their names:

Messrs. Beasley, Belden, Bell, Brashear, Brooks, Coates, Corbell, Cypert, Dale, Duvall, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hodges of Crittenden, Hodges of Pulaski, Hoge, Hollis, Houghton, Hutchinson, Kyle, Langley, Mallory, Mason, Matthews, Merrick, Misner, Millsaps, Montgomery, McCown, McClure, Oliver, Owen, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Reynolds, Rounsaville, Sams, Samuels, Sarber, Scott, Shoppach, Sims, Smith, Snyder, Van Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President.

SICK AND EXCUSED: Messrs. Bradley and Johnson.

A quorum being present:

The Journal of the preceding day was read and approved.

LITTLE ROCK AND FORT SMITH RAILROAD—AGAIN.

The presentation of petitions and memorials being in order,

Mr. GANTT presented the following communication, which was read by the SECRETARY:

LITTLE ROCK AND FORT SMITH RAILROAD COMPANY:
SECRETARY'S OFFICE,
LITTLE ROCK, ARK., Jan. 20th, 1868.

SIR: I notice in the published proceedings of the Convention on the 17th inst., that a committee was appointed to investigate the affairs of this Company. The charge implied in this action of the Convention is calculated to greatly embarrass, if it will not entirely defeat, the success of negotiations now pending for the construction of the road.

The books of the Company are always open to the inspection of any of the stockholders, and as the proposed manner of investigation will certainly be attended with considerable expense to the already impoverished people of the State, and as the Company has nothing to conceal from those who are sincerely interested in its success, I would respectfully state, through you, to the Convention, that any application for information as to the transactions of the Company or any of its officers or agents, if made in the proper manner at the Company's office in this city, will meet with prompt and courteous attention.

I am, sir, very respectfully,
Your obt. serv't,
J. H. Haney,
Secretary.

Hon. R. S. Gantt,
Member of the Convention,
Little Rock, Arkansas.

Mr. GANTT moved that the communication be referred to a special committee, to consist of Messrs. Sarber, Brooks, and Reynolds.

Mr. BROOKS moved, as a substitute, to refer the communication to the Committee on Internal Improvements.

Mr. CYPERT. It would seem out of the regular order, we having a Committee on Internal Improvements, to refer this communication to a special committee, were it not for the fact that a kind of commission has been raised, by this Convention—as seems to be indicated by the paper just read,—thus implying a want of proper action upon the part of this Road. As I understand, no question is now involved, nor was any urged the other day, with reference to the value of this road as an internal improvement, but the investigation was called for simply on the ground of the financial interest of the State in the project. I suppose the proposition, now submitted, to refer the subject to a special committee, to be offered with a view of investigating the question of the interest of the State—to see if her funds are being squandered, in any manner whatever. It is but just to the Road that its action should be properly examined into, upon a preferred request, when the implication is raised that the Corporation is in some way guilty of improper conduct. The proposed committee stands in the nature of a court of inquiry. The Company ask to have their acts properly put before this Convention. It cannot be more improper for a special committee to investigate their doings, than to raise a commission to sit at some future day—at their own leisure, not at any particular time,—without power to notify any person to attend their sessions, and equally without instructions, themselves, as to what duties they shall perform, or authority to give notice to others of their intended performances. Under the circumstances, therefore, it seems to me irregular to refer the communication to a standing committee, and that it is rather proper that a special committee should be raised.

Mr. McCLURE. This is a somewhat peculiar communication. It displays a rather dictatorial spirit. The writer says:

"The charge implied in this action of the Convention"—

There is no such charge—no charge of fraud was made upon this floor—

"is calculated greatly to embarrass, if it will not entirely defeat, the success of negotiations now pending for the construction of the road."

The *proposition* is, to embarrass the progress of this affair, until an investigation can be had. The State, with an interest in the road, of ten thousand dollars per mile, and having paid into the treasury of this Company forty thousand dollars in gold, has no account of what has been done with that money; and just at this time, when no legislature can assemble here, it is our duty, as the only representatives of the people, having any authority in the land, to prevent any further negotiations proceeding at this particular period. The *object* is, to break them off at the present. If the transactions of this Company are fair and honorable, the negotiations will not be embarrassed, at all. But if fraud *has* entered—and the gentleman who signs this communication is the first who has suggested such a thing,—then it is our bounden duty to protect the interest of the State, to the extent which the resolution of inquiry proposes.

Listen to this language!

"The books of the Company are always open to the inspection of any of the stockholders."

Is not the State of Arkansas a stockholder in this Company—perhaps to a greater extent than any other party? In fact, has not the State of Arkansas given to the Company by far the greater share of the resources which the Company possesses? Is private capital interested, in this matter, to the extent of one-fourth the amount of resources furnished by the State?

"And as the proposed manner of investigation will certainly be attended with considerable expense"—

The resolution, as adopted, contains this express proviso:

"*Provided*, That no expense is hereby incurred by the State, by reason of the attendance of witnesses, or otherwise."

I resume the reading of the communication.

—"will be attended with considerable expense to the already impoverished people of the State;"—

That is just what we propose to prevent—we propose, at least, to prevent their being impoverished to the amount of forty thousand dollars in gold.

"And as the Company has nothing to conceal from those who are sincerely interested in its success,"—

The success of what? of the road, or of the individuals who have disposed of the State's donation?

"I would respectfully state, through you, to the Convention, that any application for information as to the transactions of the Company, or any of its officers or agents, *if made in the proper manner*,"—

In the proper manner! A secretary of a "one-horse" railroad company, that has been preying upon the industry of the State, and without any capital but such as has been afforded by the State, informs the representatives of the people of the State, that if their application shall be made in a proper manner, the proposition will be considered!

I now move you, sir, that instead of ordering a reference, the communication be entirely rejected.

Mr. GANTT asked for the yeas and nays.

The yeas and nays were ordered.

The question was then taken on the motion to reject the communication; and the motion was agreed to,—Yeas 43, Nays 18, as follows:

YEAS: Messrs. Beasley, Belden, Bell, Brashear, Brooks, Coates, Corbell, Dale, Exon, Gray of Jefferson, Hawkins, Hinds, Hinkle, Hollis, Houghton, Hutchinson, Langley, Mallory, Merrick, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Oliver, Poole, Portis, Priddy, Rawlings, Rector, Rounsaville, Sams, Samuels, Scott, Sims, Snyder, Van Hook, White, Wilson, Williams, Wyatt, and the President—43.

NAYS: Messrs. Cypert, Duvall, Evans, Gantt, Harrison, Hicks, Hodges of Crittenden, Hodges of Pulaski, Hoge, Kyle, Matthews, Owen, Puntney, Reynolds, Shoppach, Smith, Walker, and Wright—18.

So the communication was rejected.

Pending the call of the roll:

Mr. GREY, of Phillips (when his name was called), said: As I do not understand the position of affairs in regard to this matter, and as I would wish to vote, on a question of this kind, intelligently, I would like to be excused.

No objection being made,

Mr. GREY was excused from voting.

Before the vote was announced,

Mr. BEASLEY said: I wish to make an explanation. The reason why

I voted Aye, upon the question of rejecting the communication, was, that I considered the resolution adopted by the Convention, for investigation, as premature action, in a matter over which we have no jurisdiction; and I would like to keep voting till I could vote the whole subject out of the Convention.

The vote was then announced as above.

EXPENSES OF THE CONVENTION—AGAIN.

The **PRESIDENT** laid before the Convention the following communication from the Treasurer of the State:

TREASURY OF THE STATE OF ARKANSAS,
LITTLE ROCK, January 21st, 1868.

To the Honorable President and Members of the Constitutional Convention assembled:

I have the honor to forward, inclosed, for your information, copies of telegrams regarding payments of expenses of the Constitutional Convention.

Very respectfully, your ob't serv't,
HENRY PAGE,
Treasurer.

TREASURY OF THE STATE OF ARKANSAS,
LITTLE ROCK, January 20th, 1868.

To O. D. GREENE,
A. A. G. Fourth Military District, Holly Springs, Mississippi:

Resolution passed Convention directing payment, by Treasurer, of expenses of Convention, from funds on hand. If paid, bonds deposited must be sold; cannot pay under existing military orders.

(Signed) HENRY PAGE.

True copy.
HENRY PAGE,
Treasurer.

VICKSBURG, January 21st, 1868.

To COL. HENRY PAGE,
State Treasurer:

Make no payments without special orders from the General commanding. The subject will be decided when resolutions and all papers are properly before him.

(Signed) JOHN TYLER,
A. A. A. G.

True copy.
HENRY PAGE,
Treasurer.

Mr. MONTGOMERY moved that the communication be referred to the Committee on Finance, Taxation, Public Debt, and Expenditures.

The question was taken; and the motion was agreed to.

PAY OF MEMBERS AND OFFICERS—AGAIN.

Motions, resolutions, and notices being in order,

Mr. BELL gave notice that on the morrow he should, for the purpose of proposing a reduction of the per diem of members and officers, move a reconsideration of the vote whereby the Ordinance, entitled "An Ordinance regulating the compensation of members and officers of the Constitutional Convention," was passed.

SUSPENSION OF COLLECTION OF DEBTS—AGAIN.

Mr. MONTGOMERY offered the following Ordinance, which was read a first time:

AN ORDINANCE TO STAY THE COLLECTION OF DEBTS.

Be it ordained by the People of the State of Arkansas, in Convention assembled: That all sales of property under execution or other final process, from any of the Courts of this State, are hereby suspended. This Ordinance to be and remain in full force until the twenty-fifth day of December, one thousand eight hundred and sixty-nine: *Provided,* that in case the Constitution framed by this Convention, when submitted to the people for ratification, is rejected, then this Ordinance, from the date of said rejection, shall cease to operate. *And provided further*, that this Ordinance shall not apply to judgments in favor of laborers or mechanics, for services rendered and materials furnished since June first, one thousand eight hundred and sixty-five.

Mr. MONTGOMERY moved that the Ordinance be referred to the Committee on the Judiciary.

The question was taken; and the motion was agreed to.

COMMITTEE ON REVISION OF JOURNAL.

Mr. HODGES, of Crittenden, offered the following resolution:

Resolved: That a special committee of three members, consisting of Messrs. CYPERT, BROOKS, and BEASLEY, be appointed by the Chair to examine the records, in order to avoid mistakes in copying the proceedings of the Convention.

The question was taken; and the resolution was adopted.

SUSPENSION OF COLLECTION OF DEBTS—AGAIN.

Mr. **BEASLEY** offered the following Ordinance, which was read a first time:

AN ORDINANCE FOR THE SUSPENSION OF THE COLLECTION OF DEBTS.

Be it ordained by the People of the State of Arkansas, in Convention assembled: That from and after the ratification of the Constitution, framed under an act entitled "An Act to provide for the more efficient government of the Rebel States," passed March second, one thousand eight hundred and sixty-seven; and the acts supplemental and amendatory thereto, that no debts shall be collected by execution and sale under the same, prior to the first day of January, one thousand eight hundred and seventy: *Provided* this Ordinance shall not apply to judgments in favor of laborers and mechanics, for services rendered since the first day of January, one thousand eight hundred and sixty-seven; nor shall it interfere with the present laws of attachment now existing in this State.

Mr. **MONTGOMERY** moved that the Ordinance be referred to the Committee on the Judiciary.

The question was taken; and the motion was agreed to.

EXPENSES OF THE CONVENTION—AGAIN.

Mr. **MATTHEWS** gave notice that on the morrow he should move a reconsideration of the vote whereby the Ordinance entitled "An Ordinance raising revenue for the purpose of defraying expenses of Constitutional Convention" was passed.

He had voted for the Ordinance, with the intention of moving a reconsideration.

NAVIGATION OF ARKANSAS RIVER.

Mr. **HINDS**, from the Special Committee appointed to draft a memorial to Congress for the improvement of the navigation of the Arkansas River, reported the following:

A MEMORIAL TO CONGRESS FOR AN APPROPRIATION OF MONEY FOR IMPROVING THE ARKANSAS RIVER FROM ITS MOUTH TO FORT SMITH.

To the Honorable, the Senate and House of Representatives, in Congress assembled:

Your memorialists, the Constitutional Convention of the State of Arkansas, respectfully represent that the Arkansas River, during the season of low water, is so obstructed by snags and sand-bars as to render the navigation difficult and hazardous, but that by the appropriation and proper outlay of a small sum of money, the said river, between the points designated, could be rendered navigable during the entire season, and would open a thoroughfare of inland communication to a rich agricultural district, facilitate the transportation of the mails, and afford to the settlements embraced in the country tributary to the Arkansas, the speedy development of the various resources of that section of the country, abounding in lumber, agricultural, and mineral wealth, besides affording facilities for reaching the trade and exchange of the Indian country west, and affording to the Government a more speedy access to that region.

Your memorialists, therefore, ask that an appropriation of one hundred thousand dollars (100,000) be made for the improvement of said river. And your memorialists will ever pray.

JAMES HINDS, *Chairman.*	W. G. HOLLIS,
G. H. KYLE,	WM. A. BEASLEY,
N. R. RAWLINGS,	O. P. SNYDER.

Mr. GREY, of Phillips, moved that the Memorial be adopted.

Mr. MONTGOMERY moved to amend by referring the Memorial to the Committee on Memorials and Ordinances.

The question was taken; and the amendment was agreed to.

The question was taken on the motion as amended; and the Memorial was referred to the Committee on Memorials and Ordinances.

DISFRANCHISEMENT.

Mr. DALE offered the following resolution:

Resolved: That the Committee on Franchise be, and are hereby, instructed to inquire into the expediency of disfranchising the following classes of persons, viz.:

First, All those who are disfranchised in the present Reconstruction Acts of Congress.

Second. All those who, during the late war of the rebellion, by cruelty to Union citizens or prisoners of war, or otherwise, violated the rules of civilized warfare.

Third. All those who, after the opening of the war, took and subscribed an oath of allegiance to the United States Government, or oath of amnesty under any order or proclamation of the President, and afterwards violated its provisions.

Fourth. All those who, having been disfranchised for rebellion or armed hostilities to the Government, in other States, have removed, or may hereafter remove, to this State.

Mr. MONTGOMERY moved to refer the resolution to the Committee on the Elective Franchise.

Mr. REYNOLDS moved to lay the resolution on the table; and upon that motion asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative,—Yeas 12, Nays 49, as follows:

YEAS: Messrs. Cypert, Duvall, Evans, Gantt, Hicks, Hoge, Owen, Reynolds, Shoppach, Sims, Walker, and Wright—12.

NAYS: Messrs. Beasley, Belden, Bell, Brashear, Brooks, Coates, Corbell, Dale, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hawkins, Hinds, Hinkle, Hodges of Crittenden, Hodges of Pulaski, Hollis, Houghton, Hutchinson, Kyle, Langley, Mallory, Matthews, Merrick, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Oliver, Poole, Priddy, Puntney, Rawlings, Rector, Rounsaville, Sams, Samuels, Scott, Smith, Snyder, Van Hook, Wilson, White, Williams, Wyatt, and the President—49.

So the Convention refused to lay the resolution on the table.

Mr. MATTHEWS offered the following as an amendment to the resolution before the Convention:

Resolved: That the Committee on Elective Franchise be instructed to inquire into the expediency of disfranchising no one for participation in any past rebellion.

Mr. KYLE moved to amend by striking out the word "one," and inserting, instead thereof, the word "citizen."

Mr. MATTHEWS accepted the amendment.

Mr. GREY, of Phillips, moved that the amendment, as amended, be referred, with the original resolution, to the Committee on the Elective Franchise.

Mr. McCLURE. The Act of Reconstruction, under which we assemble, declares that certain persons shall be disfranchised. A resolution is introduced, instructing the Committee on Franchise to report that no man shall be disfranchised, thereby asking the Convention to violate the law of the land. I am not able to make any such pledges as that; and therefore I move to reject the amendment.

Mr. MATTHEWS. I am certainly in favor of coming entirely up to the requirements of Congress; but I deny that the requirements of Congress, as expressed in the Military Bill, will preclude us from framing a constitution disfranchising no one. This is not a proper time, however, for the discussion of that question.

Mr. BROOKS. I am opposed to the motion to reject. Not, however, upon the ground of the honorable gentleman from Drew [Mr. MATTHEWS]; because, according to my recollection, the Act of Congress under which we are proceeding, requires, if we are to succeed—if we desire to succeed—in reconstruction, that the Constitution, which we shall report to the people, for their acceptance, and to Congress if ratified by the people, shall be conformed to the principles of the Reconstruction Act; and a part of the provisions of that Act certainly is, the disfranchisement of certain individuals, or classes of persons. If the Constitution which we shall adopt should disfranchise no person, surely it will not be conformed to the requirements of the Act; and to fail in so conforming it, is, of course, to defeat reconstruction. Whether it be the object of the honorable member, in presenting the motion, to secure that point in the Constitution, for the purpose of defeating reconstruction, and keeping the State out of the Union, and to retain it in its present attitude, I do not presume to decide; but certainly that will be the practical effect. I am opposed, however, to the rejection, simply because I hold it right and proper for the honorable member to have the attention of the Committee drawn to any topic that he may desire, no matter how absurd, or how foreign to all the purposes of the Convention. The simple fact that he is a member here, ought to secure a hearing for any proposition, simply asking consideration, that he may make, so that it be not disrespectful to the Convention. I say, the proposition ought to be considered. I am in favor of the original motion, and I am in favor of the amendment—that is to say, that the Committee on the Franchise shall be instructed to inquire into the expediency of continuing in our present attitude before the country—broken all in pieces—every enterprise, every industrial movement, perfectly lock-stopped. If gentlemen really deem it expedient to adopt a constitution which shall preserve us in our isolated condition, and in direct conflict with the Act of Reconstruction, let them call upon the Committee so to report. We do not at all commit ourselves to either course; we merely refer the matter to the Committee, for their consideration; we impose upon the Committee no obligation to any course of action. The mere motion, however, will undoubtedly be sufficient for that purpose.

I cannot disguise the fact that this is a great practical question—one of the vital questions before the Convention,—as to the extent and nature of the disfranchisement to be determined upon by this body. That we shall disfranchise somebody, there is no question—that is a foregone conclusion; so that the adoption of the proposed resolution will amount merely to directing a committee to inquire into the propriety of doing what the proposers know will be rejected by the Convention. I can see no objection.

Mr. CYPERT. The error in the minds of members of the Convention, seems to be as to the powers with which we are clothed, here, and the business we are to perform. The Reconstruction Act is divided into two parts, the one declaratory, the other directory. There are two clauses declaratory, viz., that declaring us to be in a state of rebellion, and that placing us under military law. The appointment of the military commander is also declaratory; but the remainder is directory as to the powers and duties of the commander of the District. The Supplemental Act, also, is directory as to the manner of holding the election, and so forth. But there is nothing obligatory, under any part of the Act, except that portion which declares us under martial law, and appoints the commander. There is no clause which says that this Convention shall disfranchise any man. By way of directing the manner of holding the elections for the call of this Convention, and for the ratification of the Constitution, it provides that certain classes alone shall be competent voters upon those subjects. But, sir, we are *not* required to disfranchise individuals. The contingencies upon which we shall be relieved from military sway, are, the ratification of a certain constitution, by the people and by Congress. There are, in all, nine contingencies, upon the happening of which we shall be relieved from our present condition. Three of these requisites are such as this Convention, or the people of the State of Arkansas, can have no control over, whatever. One requirement of the Bill is, that we shall call a Legislature, under our new Constitution, which shall ratify the Fourteenth Amendment to the Constitution of the United States. In the adoption of that amendment, we preclude the specified classes *from holding office.* It does *not* preclude them from the exercise of the right to vote, but merely from the right of holding office. Over that contingency, however, we can have no control. The other contingencies outside of the control of this body, or of the State, are: first, that a sufficient number of States shall ratify the proposed Fourteenth Amendment, to make it a part of the Constitution; second, that Congress shall agree to and ratify the Constitution which we present. There is still another, which I do not at this moment call to mind. Now we are not to be led into error because gentlemen read the Reconstruction Act incorrectly. Gentlemen construe the declaratory portion of the Act as obligatory; whereas, though certain parts of the Act are directory, others, upon which so much stress is laid here, are merely declaratory.

Mr. DALE. I am exceedingly obliged to the gentleman from White [Mr. CYPERT] for the information he has just given us of the meaning of plain English. A word or two in regard to my motive for having offered this resolution, will be sufficient, as I did not come here to generate or blow off gas—I came here to work. My motive in offering the resolution, was, that I regarded this as a question of great interest and importance to the country, and one upon which it behooved us to take action at the earliest possible day, in order to its full, fair, and thorough investigation. I was aware, sir, of the wormwood and gall that this proposition would stir up. I have offered it, however, with a view to its thorough investigation, and a proper consequent report. If the Committee shall see proper to disfranchise the parties included in the resolution, let them so report. I have no objection to the proposition of the gentleman from Drew [Mr. MATTHEWS], since it embodies merely the main features of the investigation asked for by myself, in relation to the propriety of disfranchising the classes specified, or any classes.

Mr. McCLURE. I will state my object, in presenting the motion to reject these instructions. I do not pretend, at all, to answer the argument presented on the other side of the house—I do not deem any answer necessary. But I will say a word in regard to the assertion that one part of the Law is directory, and the other is not. It is a fact well known to every loyal man in the United States, that the elective franchise cannot safely be restored to those now disfranchised under the Acts of Congress. I say, sir, that is a fact well known to the loyal men of all this country. I propose now to ask this Convention to place itself upon record, on the question whether they are willing, by their yeas and nays, to direct that a committee of this body shall so much as take into consideration such a question as is proposed. If they desire it to go back to their constituency that they instructed their committee to inquire into the propriety of such action, I have no objection; but as for myself, I propose to send to my constituents no such record for their perusal.

Mr. McCOWN. I can see no reason why this whole question should not be investigated by the proper committee. The gentleman offering the original resolution, makes no objection to the investigation; and the question is one that should be investigated to the fullest extent, in order that we may get the benefit of the united wisdom of the Convention, upon the subject. The question is one of great interest; it is one upon which some of us, who harmonize upon everything else, may not be disposed to harmonize. I admit—I frankly declare—that I am in favor of the most liberal Constitution that can be framed. The most liberal—and for the reason that I know many men, now disfranchised, that are among the best citizens of our community—men that are among those who, in common with myself, long most for peace. There can be no harm in submitting the subject to investigation. As regards the final adjustment of the question, —this is not the time for that. That will come up after the Committee shall have made their report.

Mr. GREY, of Phillips. I must differ from the gentleman from Arkansas [Mr. McCLURE], in his desire to reject the amendment. If I correctly understood the object of the amendment, it was simply to direct an inquiry into the expediency of a certain measure. I am disposed to afford this question the largest investigation, and to afford every facility for concentrating upon it all the reflection and wisdom of the members of this Convention, so far as possible. It is one of vital importance; and in order that we may reach the soundest conclusion upon it, I desire that the ideas of every gentleman may be submitted for the consideration of our Committee, that they may afford us all possible light.

As to the declaratory portion of the Acts of Reconstruction, I am glad to see a disposition to consider them in their true light. One of those provisions declares

> "That until the people of said rebel States shall be by law admitted to representation in the Congress of the United States, any civil government which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control, or supersede the same."

I am glad, I was about to remark, that gentlemen are willing to abide by the Acts of Congress. It was asserted, here, that these declarations were false in fact, and that we possessed a government *de facto* and *de jure*. But it seems we have come to the conclusion that such is not exactly the case; and in organizing a government I hope that the views of every gentleman on this floor will be considered in committee, and the best constitution matured that can be produced by the brains of this Convention; and I believe there are sufficient here to produce a constitution that shall bring peace and prosperity to the State of Arkansas.

I shall vote in favor of the motion to refer the amendment to the Committee on the Elective Franchise.

The question was then taken on the motion to reject the amendment offered by Mr. MATTHEWS; and, a division being called for, the motion was not agreed to,—Ayes 12, Noes not counted.

The PRESIDENT. The question recurs upon the motion to refer the resolution and amendment to the Committee on the Elective Franchise.

Mr. MONTGOMERY. Does the Convention understand that the resolution offered by the gentleman from Drew [Mr. MATTHEWS] is an amendment to the resolution offered by the gentleman from Independence [Mr. DALE]?

Mr. MATTHEWS. Yes, sir; mine is not a resolution; it is simply an amendment.

Mr. KYLE rose to a point of order, viz.: that the question upon the adoption of the amendment must be taken, and the amendment be adopted, before the question upon the reference of the amendment.

The PRESIDENT. The Chair is of opinion that the point of order is well taken. The question will be upon the adoption of the amendment.

Mr. MONTGOMERY. For one, I shall be opposed to the amendment instructing the Committee on the Elective Franchise to inquire into the expediency of enfranchising every citizen of the State; and from the reason given by the gentleman from Phillips [Mr. Brooks],—that the proposition is simply an absurdity. I cannot see the sense of referring to the Committee an absurdity, for the purpose of an inquiry into its expediency. I am opposed to cumbering the tables of the committees with absurdities, in the shape of requests for inquiries into the expediency into this or that preposterous measure.

Mr. PUNTNEY. I seriously object to this method of choking down the opinions and propositions of members, on any subject. I think all have equal rights, here; and I think any member has the right to present his views, and ask for an investigation. I can see no propriety in rejecting the proposed amendment. It is only asked that the Committee shall inquire into the expediency of adopting certain propositions, and shall submit to the Convention their report thereupon. It is not proper, as I conceive, now to discuss the merits of the question at issue. The question now is, simply upon the question of reference. It does seem to me that that Committee ought to have all the light that can be given them. And I do hope that the members of the Convention will evince a disposition to receive information and suggestion from all sources, and will not attempt to choke down propositions made from any quarter.

Mr. BROOKS. I think we are consuming time unnecessarily. There can be no necessity of argument on the question of submitting to the Committee any suggestions offered for their consideration. Let the Committee receive and digest these considerations submitted for their action. Let them maturely reflect upon the propositions submitted, and then let their action be reported back to the Convention, for its final action.

Mr. McCLURE. We have just got to the point, now, that I saw before. The gentleman from Independence [Mr. Dale] makes his proposition; and the gentleman from Drew [Mr. Matthews] proposes an amendment which, if adopted by the Convention, destroys the original proposition. He struck out everything that was in it. For that reason I before proposed to reject the amendment of the gentleman from Drew.

Mr. HODGES, of Pulaski. I have listened attentively, and have heard the resolution, and moved its reference. I do not understand that it instructs the Committee, at all,—that is, so far as to govern their action. It simply instructs them to *inquire* into the *expediency* of doing such and such things. The amendment simply instructs them, in like manner, to inquire into the expediency of doing something else in connection with it, which they should inquire into in any case,—whether the amendment goes to them or not. It is their *duty*, to inquire into the expediency of "disfranchising no citizen;" and I think the resolution and amendment indicate the wishes of the gentleman by whom it was offered. We must of course take into consideration the wishes of every gentleman in this body—

sooner or later, we *must* do that; and if our own wishes prove not to be in accordance with those of the majority, we must quietly yield to the decision. I can see no possible reason why the resolution and amendment should not be referred.

Mr. BROOKS. Be it observed, that the amendment does not take the form of authoritative action. We are not proposing to defeat the resolution of the gentleman from Independence [Mr. DALE]. Were that the case, then the position taken by the gentleman from Arkansas [Mr. McCLURE] would be correct. But, really, as the matter now stands before the Convention, it is substantially in the form of a memorial from the gentleman from Independence, and a counter-memorial of the gentleman from Drew [Mr. MATTHEWS]. I concur with the gentleman from Pulaski [Mr. HODGES], that it is perfectly in order to refer both to the appropriate Committee; and furthermore, that in so doing we neither reject the one proposition nor adopt the other.

Mr. MONTGOMERY. I understand it to have been decided by the Chair that the motion to refer was out of order until after the adoption of the amendment. In that case the position of the gentleman from Arkansas [Mr. McCLURE] is correct,—that the amendment strikes out all the gist of the original resolution, and leaves the Committee directed merely to inquire into the expediency of disfranchising no citizen in the State. Now, sir, I do not propose to request this Committee to inquire into the expediency of any such thing—to inquire, in other words, into the expediency of opposition to the Reconstruction Laws; for it seems to me that every gentleman should have come here for the purpose of obeying those laws, and acting in accordance with their requirements. If any gentlemen did not come here with that purpose, they have no business here, since they are not law-abiding citizens.

Mr. GREY, of Phillips, dissented from the view expressed by Mr. MONTGOMERY, as to the effect of the proposed action upon the amendment.

The PRESIDENT. The gentleman from Independence [Mr. DALE] offered a resolution directing the Committee on the Elective Franchise to inquire into the expediency of disfranchising certain classes of persons. The gentleman from Drew [Mr. MATTHEWS] offered an amendment to that resolution, directing the Committee to inquire into the expediency of disfranchising no one. The Chair was about to put the motion, which was submitted, for the reference of both resolution and amendment. But the gentleman from Dallas [Mr. KYLE] raised a point of order, which the Chair decided to have been well taken,—that the question arose—immediately on the presentation and seconding of the amendment—upon the adoption of the amendment, before the question of reference should be put.

Mr. HODGES, of Pulaski. If in voting for this amendment we are to give assent to its doctrine, I shall vote against it. But I suppose the intention is, to refer the whole subject to the Committee. Now, if it is proper to refer the one resolution, without adopting its propositions, it must, I take it, be equally proper so to refer the other.

Mr. SNYDER. I would inquire of the Chair the precise attitude of the question now before the Convention.

The PRESIDENT. The question is upon the adoption of the amendment to the resolution of the gentleman from Independence [Mr. Dale]. But the resolution of the gentleman from Independence is, simply, to refer, to the Committee on the Elective Franchise, an inquiry into the expediency of certain measures.

Mr. SNYDER. If I understood the phraseology of the amendment, it proposes to inquire into the expediency of disfranchising no one. If that amendment is adopted, we adopt a different proposition from that of the gentleman from Independence.

The PRESIDENT. Precisely.

Mr. SNYDER. Then the duty imposed upon the Committee, is, to decide upon the expediency of disfranchising no one. I will ask the Convention whether they are prepared, at this time, to inquire into the expediency of female and infant suffrage. I did not think that, even with the advanced ideas of the age, we were ready to consider that subject—and I suppose the phraseology implies that much.

The PRESIDENT. The amendment of the gentleman from Dallas [Mr. Kyle], striking out, after "no," the word "one," and inserting, instead thereof, the word "citizen," was accepted.

Mr. SNYDER. Take it thus, then. The question is, in the present attitude of the laws under which we are acting, and in view of all the facts, *who are* citizens? I, for one, have endeavored to be quiet on these subjects, and to say but little about them; but, as the gentleman from Arkansas [Mr. McClure] remarked, I am not willing to have it go upon record that I either endorse, or am willing to enter upon the consideration of, a proposition looking to a direct conflict with the provisions of the laws under which we are acting. Neither do I believe that the Committee has the disposition to take into consideration any such proposition. I was therefore in favor of the rejection of the amendment. I still think, too, that the Committee would find it very difficult to define the term "citizen," at present; and even if that word was inserted as an amendment, the phraseology would certainly devolve upon that Committee the duty of deciding upon the question of female and infant suffrage in the State—a duty with which I am not disposed to charge them.

Messrs. GREY, of Phillips, and BROOKS, inquired whether the amendment operated as an amendment to the motion to refer.

The PRESIDENT. It does.

Mr. BROOKS. In that attitude of the matter, I think we should not vote for its adoption. I understand the idea of the gentleman from Drew [Mr. MATTHEWS] is, to amend the resolution. If it is not, then the subject before us for amendment is the motion to refer,—not this document upon the table. The motion before the Convention, as I understand it, is, to refer. Then there is a motion to amend that motion—not to amend this document, at all.

The PRESIDENT. The Chair is of opinion that the point of order raised by the gentleman from Phillips [Mr. BROOKS], is well taken. The form in which the question was permitted to arise, rendered its attitude before the Convention somewhat anomalous. The Chair has been glad to listen to the suggestions of members upon the point; and upon the views presented, now overrules its previous decision.

Mr. MATTHEWS then withdrew his amendment.

The question was then taken on the motion to refer the resolution, offered by Mr. DALE, to the Committee on the Elective Franchise; and the motion was agreed to.

Mr. HATFIELD offered the following resolution:

Resolved: That the Committee on Elective Franchise be instructed to disfranchise all men who were engaged in rebellion up to 4th July, 1864.

Mr. BROOKS moved that the resolution be referred to the Committee on the Elective Franchise.

Mr. MATTHEWS offered the following, as an amendment to the resolution:

Resolved: That the Committee on Elective Franchise be instructed to inquire into the expediency of disfranchising no citizen for participation in any past rebellion.

Mr. HODGES, of Pulaski. I rise to a point of order. The motion was made, to refer.

Mr. MATTHEWS. Was that the case?

The PRESIDENT. That was the case.

Mr. MATTHEWS. Then I withdraw my amendment.

Mr. CYPERT asked for the yeas and nays.

The yeas and nays were ordered.

Mr. HINDS moved to amend the resolution by inserting, after the words "instructed to," the words "inquire into the propriety of," and to strike out the word "disfranchise," and insert, instead thereof, the word "disfranchising."

The PRESIDENT did not entertain the amendment.

Mr. BEASLEY. Would it be in order to move to lay the resolution upon the table? If so, I offer that motion.

The PRESIDENT. The question is upon the reference of the resolution to the Committee on Elective Franchise.

Mr. CYPERT. I rise to call the attention of some gentlemen to remarks made, heretofore, upon this floor. I hope there is no gentleman very proscriptive. Some have claimed they were not proscriptive. I hope there are not many men in this Convention, willing to proscribe citizens of the United States.

Mr. KYLE. Does the gentleman from Columbia [Mr. BEASLEY] propose to lay on the table the motion to refer, or the resolution?

Mr. BEASLEY. I see I was misunderstood. I did not understand, from the fact that the gentleman [Mr. BROOKS] spoke in a low tone, that he made a motion to refer the resolution. I did move to table the resolution.

Mr. McCOWN. I move to lay on the table the motion to refer.

Mr. BROOKS, by consent, withdrew the motion to refer the resolution to the Committee on the Elective Franchise.

Mr. BEASLEY. There can, then, I suppose, be no question as to the motion to lay upon the table being in order?

Mr. BROOKS. That motion is not debatable. But I do not like to see any proposition of this kind tabled. It should go to the Committee, for their action.

Mr. CYPERT asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken on the motion to lay the resolution on the table; and it was decided in the negative,—Yeas 25, Nays 35, as follows:

YEAS: Messrs. Beasley, Cypert, Duvall, Evans, Gantt, Hicks, Hoge, Hollis, Houghton, Kyle, Mason, Matthews, Merrick, McCown, Owen, Rector, Reynolds, Rounsaville, Sarber, Shoppach, Snyder, Van Hook, Walker, Wilson, and Wright—25.

NAYS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Dale, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hodges of Crittenden, Hodges of Pulaski, Hutchinson, Langley, Mallory, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Poole, Portis, Priddy, Rawlings, Sams, Scott, Smith, White, Williams, Wyatt, and the President—35.

So the Convention refused to lay the resolution upon the table.

Mr. HATFIELD asked unanimous consent to withdraw his resolution.

No objection being made,

Mr. HATFIELD withdrew the resolution, and offered the following:

Resolved: That the Committee on Elective Franchise be instructed to inquire into the expediency of disfranchising all men who were engaged in rebellion up to 4th of April, 1864.

Mr. HODGES, of Pulaski, moved that the resolution be referred to the Committee on the Elective Franchise.
The question was taken; and the motion was agreed to.

Mr. BRASHEAR offered the following resolution:

Resolved: That the Committee on Elective Franchise be instructed to inquire into the expediency of disfranchising all men that opposed reconstruction.

Mr. HODGES, of Pulaski, moved that the resolution be referred to the Committee on the Elective Franchise.
The question was taken; and the motion was agreed to.

BOUNDARY LINE OF OUACHITA AND CALHOUN COUNTIES.

Mr. HOLLIS offered the following resolution:

Resolved: That the Committee on Boundaries be instructed to report an ordinance to change the line between Ouachita and Calhoun Counties for the distance of about twelve miles, and place it on the range line between 15 and 16, which will make the latter County of constitutional dimensions, and better define the boundary.

Mr. SMITH moved that the resolution be referred to the Committee on Boundaries.
Mr. HINDS moved to amend the resolution by inserting, after the words "instructed to," the words "inquire into the expediency of," and to strike out the word "report," and insert, instead thereof, the word "reporting."
Mr. HOLLIS accepted the amendment.
Mr. WILSON moved to amend by adding the following:

Resolved, further: That Messrs. HOLLIS and PORTIS be added to the Committee on Boundaries.

Mr. HODGES, of Pulaski, understood the Chair to have decided that the Committees were already full.
The PRESIDENT. Under the rules, no additions will be made to the Committees.

The question was then taken on the resolution as amended; and the resolution was adopted.

DAYS OF ABSENCE.

Mr. HINDS offered the following resolution:

Resolved: That no member of this Convention shall receive per diem for days of absence (except when absent sick.)

The question was taken; and the resolution was adopted.

LEAVE OF ABSENCE.

Mr. CYPERT asked leave of absence for Mr. **Bradley**, who was confined to his room by sickness.

The SECRETARY stated that Mr. **Bradley** had appeared on the Journal, throughout his absence, as absent, sick.

No objection being made,

Leave of absence, during illness, was granted Mr. **Bradley**.

Mr. BROOKS moved that the Convention adjourn.

The question was taken; and the motion was agreed to;

And thereupon, at 12.30, P.M., the Convention adjourned to 10, A.M., of Thursday, January 23d.

FOURTEENTH DAY.

Thursday, *January* 23*d*, 1868.

Convention met at 10, A.M.

Prayer was offered by the Chaplain.

The roll was called; and the following members answered to their names:

Messrs. Beasley, Belden, Bell, Brashear, Brooks, Coates, Corbell, Cypert, Duvall, Dale, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hollis, Hodges of Crittenden, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Kyle, Langley, Mallory, Mason, Matthews, Merrick, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Oliver, Owen, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Reynolds, Rounsaville, Sams, Samuels, Sarber, Scott, Shoppach, Sims, Smith, Snyder, Van Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President.

Sick.—Messrs. Bradley and Johnson.

A quorum being present:

The Journal of the preceding day was read and approved.

The PRESIDENT. The Chair would remark, for the information of gentlemen, that such members as are not present at the calling of the roll, to answer to their names, are marked as absent, and, under the operation of the rule adopted by the Convention, will probably lose their per diem.

A MEMBER. What may be the effect of that resolution,—whether or not it is to operate *ex post facto*,—I do not know. Another gentleman and myself were absent, on the morning of the 16th, when the roll was called, and afterward came in. I am not aware, and would like to be informed, whether or not the resolution applies to a case of that kind.

The PRESIDENT. The resolution was not then adopted.

ASYLUM FOR DEAF MUTES—AGAIN.

The presentation of petitions and memorials being in order,

Mr. CORBELL laid before the Convention a communication received by him from Mr. JOSEPH MOUNT, Principal of the School for the Education of Deaf Mutes, in the city of Little Rock, relative to State aid for the education of the deaf and dumb; which was read by the SECRETARY.

Mr. CORBELL moved that the communication be referred to the Committee on Education.

The question was taken; and the motion was agreed to.

IMPEACHMENT AND REMOVAL FROM OFFICE.

The reports of standing committees being in order,

The following Report was presented:

REPORT OF COMMITTEE ON IMPEACHMENT AND REMOVAL FROM OFFICE.

SECTION ONE. The House of Representatives shall have the sole power of impeachment.

SECTION TWO. The Senate shall have the sole power to try impeachments. When sitting for that purpose they shall be on oath or affirmation to do justice according to law and evidence. When the Governor shall be tried, the Chief Justice of the Supreme Court shall preside; and no person shall be convicted without the concurrence of two-thirds of all the Senators elected; and for reasonable cause which shall not be sufficient ground for impeachment, the Governor shall, on the joint address of two-thirds of each branch of the legislature, remove from office the Judges of Supreme and inferior Courts; *Provided*, the cause or causes of removal be spread on the journals, and the party charged be notified of the same, and heard by himself and counsel before the vote is finally taken and decided.

SECTION THREE. Judgments in cases of impeachment shall not extend further than to removal from office and to disqualification to hold and enjoy any office of honor, profit, or trust under this State; but the party convicted shall nevertheless be liable to indictment, trial, and punishment, according to law.

SECTION FOUR. The Governor, and all civil officers of the State, shall be removed from office, on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

SECTION FIVE. The Secretary of State shall be the clerk of this court.

BY THE COMMITTEE.

Mr. HINDS moved that the Report be laid upon the table, that one hundred copies be printed for the use of the members of the Convention, and that it be made the special order of the day for Tuesday, January 28th.

The question was taken; and the motion was agreed to.

BANKING, AND CORPORATIONS OTHER THAN MUNICIPAL.

Mr. McCOWN, from the Committee on Banking, and Corporations other than Municipal, presented the following Report:

REPORT OF COMMITTEE ON BANKING, AND CORPORATIONS OTHER THAN MUNICIPAL.

The Committee on Banking, and Corporations other than Municipal, beg leave to present the following report:

Be it ordained by the people of the State of Arkansas, in Convention assembled:

SECTION ONE. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the object of the corporation cannot be attained under general laws. All general laws and special acts passed pursuant to this section, may be altered from time to time, or repealed.

SECTION TWO. Dues from corporations shall be secured by such individual liability of the corporators, and other means, as may be prescribed by law.

SECTION THREE. The term corporation, as used in this article, shall be construed to include all associations and joint stock companies having any of the powers and privileges of corporations, not possessed by individuals, or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all courts, in like cases as natural persons.

SECTION FOUR. The Legislature shall have no power to pass any act granting any special charter for banking purposes; but corporations or associations may be formed for such purposes under general laws.

SECTION FIVE. The Legislature shall have no power to pass any act sanctioning in any manner, directly or indirectly, the suspension of lawful money of the United States of America payments, by any person, association or corporation, issuing bank notes of any description.

SECTION SIX. The Legislature shall provide by law for the registry of all bills or notes issued or put in circulation as money, and shall require ample security, deposited in the Treasury of the State, for the redemption of the same in the lawful money of the United States of America.

SECTION SEVEN. The stockholders in every corporation and joint stock association for banking purposes, issuing bank notes, or any kind of paper credits, to circulate as money, after the adoption of this Constitution by the people, shall be individually and collectively responsible for all its debts and liabilities of every kind, contracted after the said adoption, by the people, of this Constitution.

SECTION EIGHT. In the case of the insolvency of any bank or banking association, the bill-holders thereof shall be entitled to preference in payment, over all other creditors of such bank or association.

G. W. McCOWN,
Chairman Committee.

Mr. HODGES, of Pulaski, moved that the Report be laid upon the table, that one hundred copies be printed for the use of members, and that it be made the special order of the day for Wednesday, January 29th.

The question was taken; and the motion was agreed to.

IZARD COUNTY ELECTION.

Mr. SARBER, on behalf of the Committee, presented the following

REPORT OF COMMITTEE ON ELECTIONS,

On the claim of Mr. L. D. TONEY, *to a seat in the Convention as delegate from* IZARD COUNTY.

To the Constitutional Convention of the State of Arkansas:

Your Committee on Elections, to whom was referred the application of L. D. TONEY for a seat in this Convention as a delegate from the County of Izard, have had the same under consideration, and beg leave to report: That it appears from the testimony and papers submitted to the Committee, that one W. W. ADAMS is the delegate elect to this Convention from said County of Izard; that, while the said TONEY had reasonable grounds for believing that he had been duly elected as delegate for said County, the returns of said County show a different result; and in view of the fact that the said L. D. TONEY came here believing that he had been duly elected, and that it was his duty to be here, in the opinion of your Committee he is entitled to mileage in coming to and returning from this City. Your Committee, therefore, beg leave to submit and recommend the adoption of the subjoined resolution, and ask to be discharged from the further consideration of the subject. All of which is respectfully submitted.

JNO. N. SARBER,
Chairman.

Resolved: First, That W. W. ADAMS, having been duly elected as delegate to this Convention from the County of Izard, is entitled to a seat in this body, and that, on his taking the oath heretofore prescribed, he be admitted to the same.

Resolved: Second, That L. D. TONEY be, and is hereby, declared to be entitled to mileage in coming to and returning from the City of Little Rock, and that the Secretary of this Convention be, and is hereby, instructed to issue to him the certificate necessary to enable him to collect the same.

Mr. SARBER, in presenting the Report, asked that the Committee might be discharged from the further consideration of the subject.

By consent, the Committee was so discharged.

Mr. GANTT moved that the Report be adopted.

The question was taken, and the motion was agreed to.

RELIEF FOR THE POOR OF THE STATE.

The reports of select committees being in order,

Mr. BROOKS, from the Select Committee appointed to devise measures for the relief of the suffering poor of Arkansas, presented the following

REPORT OF COMMITTEE ON RELIEF.

Your Committee have elicited the following facts. In many of the counties large numbers of persons are severely pressed for food, being well-nigh destitute of meat. In other counties, where the crop of the last season consisted chiefly of cotton, startling destitution prevails. Gaunt famine stalks abroad! the people are crying out for bread. They are ready and willing to labor, but employment cannot be obtained. The usual agencies, county courts and public benevolence, seem quite insufficient to meet this crying demand for the necessaries of life.

Your Committee have thus far been unable to reach any satisfactory conclusion as to the more efficient scheme for meeting this exigency. They therefore ask that this brief statement of the situation be submitted to the consideration of the Convention, in Committee of the Whole.

JOSEPH BROOKS,
Chairman.

Mr. BROOKS, in presenting the Report, said: I would be gratified by the privilege of saying that we have taken pains to elicit, to the utmost extent practicable, information from all parts of the State. The remarks which appear in the Report are not applicable to all portions of the State; but the picture presented is perhaps under-drawn as respects some counties. Various suggestions have been submitted, by members of the Convention and benevolent citizens who have by request met with the Committee; but we have been utterly unable to satisfy ourselves in regard to the line of policy to be pursued: and believing that every member of the Convention, and inhabitant of the country, can but feel a lively interest in this subject, we thought it, upon consultation, advisable, for the purpose of eliciting the greatest possible amount of information, and securing the most deliberate and efficient action, that we should ask the Convention to consider the subject in Committee of the Whole, in order that, if possible, some satisfactory scheme might be marked out.

Mr. CYPERT. As one of the Committee, I would state that we have investigated, as the Chairman has stated, as far as we were able; and have been unable to arrive at any practicable mode of affording relief; and that for this reason, as mentioned by the Chairman, we propose to present the subject to the members of the Convention, for general consultation. With a view to that end, I move that the Report lie upon the table until the regular order of business shall be disposed of, then to be taken up.

The question was taken, on the motion that the Report be laid upon the table till after the regular order of business should be disposed of; and the motion was agreed to.

PUBLIC CONVEYANCES.

Motions, resolutions, and notices being in order,

Mr. WHITE offered the following resolution:

Resolved: That, whereas the public carriers and owners of public conveyances in the State of Arkansas, persistently refuse the ordinary accommodations to citizens of said State,

Therefore be it resolved: That the public carriers are the public servants, and that a refusal to perform their duties in carrying or transporting all citizens upon the same terms, and subject to the same rules and regulations, is an outrage upon the citizens of this State:

And be it resolved: That this body recommend that the Legislature pass an act making such refusal to carry or transport citizens over the public highways of travel, subject only to the general rules governing all others on the various routes or modes of carrying, conveying, or transporting passengers, a penal offence.

Mr. SMITH moved that the resolution be referred to the Committee on Memorials and Ordinances.

The question was taken; and the motion was agreed to.

PERMANENT LOCATION OF FREEDMEN.

Mr. GREY, of Phillips, offered the following resolution:

Resolved: That the Committee appointed to examine into the condition of the suffering poor of the State, and to report a memorial to Congress asking aid for the same, be instructed to consider a plan by which Government aid may assist in the permanent location of the freedmen, in the counties or districts where there are tracts of Government lands subject to entry, under the Homestead laws of Congress, for settlement, and make said lands, and improvements made thereon, security for the amount of six months' provisions, advanced to the actual settler thereon, payable to the Government two years after date of receipt.

Mr. CYPERT. Is the resolution one calling for inquiry into the expediency of the proposed action, or is it a direct instruction?

The SECRETARY read the resolution.

Mr. HINDS moved that the resolution be referred to the Committee on Memorials and Ordinances.

The resolution was so referred.

ASHLEY COUNTY ELECTION—AGAIN.

Mr. SARBER, from the Committee on Elections, asked leave to present the Report of said Committee on the claims of Messrs. NORMAN and MOORE to seats in the Convention as delegates from Ashley County.

No objection being made,

Mr. SARBER submitted the following

REPORT OF COMMITTEE ON ELECTIONS, UPON THE ASHLEY COUNTY ELECTION.

To the Constitutional Convention of the State of Arkansas:

Your Committee on Elections, to whom was referred the cases of Messrs. NORMAN and MOORE, holding certificates of election from the military Commander, as delegates from Ashley County, and whose right to their seats in this Convention is contested, beg leave to submit the following Report:

As the right and power of this Convention to investigate the facts involved in the contest in these cases have been questioned, your Committee would say that they entertain no doubt of the power and competency of the Convention to decide as to the qualifications of its own members, and consequently of its power and duty to inquire into the facts connected with their election.

A certificate of election being merely *prima facie* evidence of title to a seat, is not conclusive upon the Convention; but its regularity and validity may be inquired into; and if, upon examination, fraud, violence, or mistake, have occurred in the election, it may be set aside or disregarded, and the member whose case is thus affected be refused a seat; or if he has already obtained a seat on this *prima facie* evidence, it may be contested, and he be rejected.

This power of inquiring into the regularity of the election and qualifications of their own members is no *new* doctrine, but is a power, necessarily inherent in all such bodies as this Convention. This power is repeatedly exercised by the National Congress, and is necessary to the security and protection of this and all similar bodies.

Your Committee have had several witnesses sworn before them, whose testimony very clearly discloses that not only fraud, but violence, threats, and intimidation, took place at the election for delegates in Ashley County. While the election was conducted fairly in some precincts, in others manifest fraud, violence, and intimidation, were used toward voters, in which the military subordinates and Deputy Sheriffs seem to have been participants. Colored voters, in some of the precincts, were threatened and intimidated in various ways. Some were threatened that they would be killed and left in the swamps, and others that they would be discharged by their employers, and should not receive the wages due them, if they voted for a Convention; and others still more purposely deceived, by statements calculated to impose upon them or prevent them from voting. This fear or intimidation was not confined alone to the colored voters, for white men complained that because of threats, and exhibitions of violence, on the part of certain parties, they were deterred from going to the polls to vote.

While, therefore, there is no doubt in the minds of your Committee as to the truth of these general facts, and that the election for delegates in Ashley County was conducted in the lawless and reprehensible manner described, yet, in view of the time required, and the expense and difficulty of sending for additional witnesses and papers, they recommend that Messrs. NORMAN and MOORE be admitted to seats as delegates in this Convention, and the contestant, Mr. HARBISON, allowed mileage for his attendance; and beg to be discharged from the further consideration of this subject.

Very respectfully,

JOHN N. SARBER, *Chairman.*
JAMES HINDS,
J. W. HUTCHINSON,
S. W. MALLORY,
[I concur in this Report except so far as regards the recommendation of allowing mileage to the contestant.]
ROBERT HATFIELD,
G. W. DALE.

[For the testimony appended to this Report, see Appendix.]

Mr. GANTT, from the same Committee, submitted the following

REPORT OF THE MINORITY OF THE COMMITTEE ON ELECTIONS, ON THE ASHLEY COUNTY ELECTION.

To the Constitutional Convention of the State of Arkansas:

The undersigned, a minority of the Committee on Elections, to whom was referred the credentials of W. D. MOORE and G. W. NORMAN, as delegates to the Convention from the County of Ashley, beg leave to submit the following Report:

The Act of Congress of 2d March, 1867, "to provide for the more efficient government of the Rebel States," commonly called the "Reconstruction Act," provides for the formation of "a constitution of government" in said Rebel States, and prescribes the mode in which that shall be done. The Act supplementary thereto enacts that before the 1st day of September, 1867, the commanding General of each district defined by said original Act of 2d March, 1867, shall cause a registration to be made of the male citizens of the United States, twenty-one years of age and upwards, resident in each parish or county in the State or States included in his district, possessing certain qualifications prescribed by said Act; that after the completion of such registration at such times and places as the commanding General shall appoint and direct—of which at least thirty days' previous notice shall be given—an election shall be held for delegates to a convention for the purpose of establishing a constitution and civil government for such State; that if a majority of the votes given on that question shall be for a convention, such convention shall be held as thereinafter provided; that if a majority of the votes given on that question shall be for a convention, the commanding General, within sixty days from the date of election, shall notify the delegates to assemble in convention at a time and place to be mentioned in the notification; and said convention, when organized, shall proceed to frame a constitution and civil government, according to the provisions of said Act and the Act to which it is supplementary.

Brev. Maj. Gen. E. O. C. ORD, commanding the 4th Military District, designated by said Reconstruction Act, composed of the States of Arkansas and Mississippi, by General Orders, dated September 26, 1867, announced that the registration of legal voters in said District had been completed, and ordered that an election be held in the States composing said District, commencing on the first Tuesday in November thereafter. In obedience to said General Orders No. 31, an election was held in said County of Ashley, commencing on Tuesday, the 5th day of November, 1867, and ending on the 11th of said month. A majority of the votes given at said election were cast for the said W. D. MOORE and G. W. NORMAN for delegates to the Convention, which was duly reported by the Registrars appointed for said County.

Immediately after the election, complaint was made to the commanding General, that frauds and irregularities had occurred in holding said election, evidence of which, in the shape of affidavits, was forwarded to said commanding General by the President of the Board of Registrars for said County.

By General Orders No. 37, dated December 5, 1867, it was announced, by the General commanding said District, that a majority of the registered voters in the State of Arkansas had voted on the question of convention, and that a majority of all the votes cast were for a convention, and ordered the delegates elected to assemble in the hall of the House of Representatives, in the city of Little Rock, at 11 o'clock, A.M., on Tuesday, January 7, 1868.

In General Orders No. 43, dated December 21, 1867, a list of the delegates elected to said Convention was published, from which it appears that the election in said County of Ashley was invalid, and that a new election had been ordered.

On the 6th day of January, 1868, the General commanding said District issued the following order:

"Upon the investigation of the complaint of irregularities in the conduct of the recent election in Ashley County, Arkansas, it appears that said irregularities were confined to Union

Precinct alone; and further, that if all the registered voters in that Precinct were to cast their votes as a unit on either side, the main result of the election in the County would not thereby be changed. The previous declaration in General Orders No. 43, series of 1867, from these Headquarters, invalidating said election, is hereby revoked, and the election in that County is declared valid (Union Precinct thrown out). The delegates elected in that County are hereby announced as GEORGE W. NORMAN and W. D. MOORE, and they are notified to attend the Constitutional Convention in Arkansas, at the time and place specified in General Orders No. 37, from these Headquarters, dated December 5th, 1867. An official copy of this order will constitute their certificate of election."

On the 6th January, 1868, Brev. Brig. Gen. C. H. SMITH commanding the Sub-District of Arkansas, issued the following special order:

"Pursuant to telegraphic instructions received from Headquarters 4th Military District, dated Holly Springs, January 6, 1868, the election of GEORGE W. NORMAN and W. D. MOORE as delegates to the Constitutional Convention for Ashley County, is hereby declared valid. They will obtain their certificates of election by calling at these Headquarters."

In compliance with said last recited orders, the said NORMAN and MOORE called at said Sub-District Headquarters, and were furnished with copies of said orders, which they tendered as evidence of their election as delegates from the County of Ashley, and which have been referred to your Committee on Elections.

No one seems to be contesting the seats of Messrs. NORMAN and MOORE; and it is respectfully submitted that the only duty, in the premises, with which the Committee on Elections is charged, is an inquiry into the regularity of their credentials; that until their right to seats is regularly contested, the manner in which the election was held and the supposed frauds committed, should not be made the subjects of investigation, if, indeed, this Convention possessed the power under the Reconstruction Acts to determine the legality of the election of delegates; in other words, that it is to be presumed that they were duly and legally elected, until that issue is raised in the mode pointed out for contesting their right to seats in this body.

A mass of testimony has been taken by the Committee, to establish frauds in the matter of said election in said County of Ashley,—that registered voters, both white and colored, had been intimidated by threats of personal violence; and that they through fear had voted contrary to their convictions and wishes.

It is apparent, from the testimony taken, that all these facts were before the commanding General at the issuance of the order announcing that Messrs. MOORE and NORMAN had been legally elected delegates to said Convention. The Registrars testify that the evidence of these frauds, intimidations, and threats, were forwarded to the Headquarters of said District, immediately after the election; and as an evidence that the same was received at said Headquarters, the order declaring said election invalid, refers specifically to the frauds said to have been practised at said election.

The undersigned is of the opinion that under the Reconstruction Act and the Acts supplementary and supplemental thereto, the Commanding General is the judge of the election and qualification of the members of the Convention; that this Convention cannot contravene the order of the General commanding, by excluding an individual declared by the military authorities to have been duly and legally elected, and admitting another whose name does not appear in the published list of delegates; that this Convention possesses neither the right or power to determine a contest for a seat herein; that any one returned as a delegate to this Convention, and so announced by the military officer commanding the District, is entitled to his seat; in other words, that the General commanding determines the qualification, as well as the legality, of the election of the delegates, and that his decision is final and conclusive. The undersigned, entertaining these views of the questions involved, does not conceive it to be necessary to refer at length to the testimony taken before the Committee.

Regarding the credentials of Messrs. MOORE and NORMAN as regular, and that they are entitled to their seats in this body as delegates from the County of Ashley, the undersigned begs leave to submit and recommend the adoption of the following resolution:

Resolved: That W. D. MOORE and G. W. NORMAN be, and they are hereby, declared entitled to seats in this Convention as delegates from the County of Ashley, and that on taking the oath heretofore prescribed, they be admitted to the same.

All of which is respectfully submitted. R. S. GANTT.

Mr. KYLE moved that both Reports be received and adopted.

Before the motion was seconded,

Mr. HODGES, of Pulaski, said: I rise to a privileged question. The Reports recommend the admission of the gentlemen claiming the seats. I move that the gentlemen come forward and be sworn in.

Before the motion was seconded,

Mr. CYPERT said: The Reports come to the same conclusion. The first action in order, I understand to be that upon these Reports. In order to bring the question before the Convention, I move the adoption of the Minority Report.

Mr. BROOKS moved to amend by striking out all of the Minority Report, preceding the resolution, and adopting the resolution.

Mr. GANTT. The Report of the majority contains a resolution which reaches the same end with that which is affixed to the Report of the minority. It is certainly unparliamentary and irregular to strike out a portion of a report, whether that of the majority or minority. The regular method will be, to move to amend the motion by substituting the Majority Report for that of the minority.

As far as the question of the right to the seats was concerned, I believe the opinion of the Committee was unanimous. There was, however, one question raised; and with reference to putting myself right upon that question, and with reference to that alone, I submitted the Minority Report.

Mr. WILSON. I beg leave to declare my dissent from that last Report, in regard to the commanding General having entire power to decide upon the validity of the election of delegates to this Convention. The Law of Reconstruction has the entire power to decide who is entitled to a seat in this body. No man forbidden by that Law to vote, is entitled to a seat here. If the commanding General knew of the fact that a man was here in violation of that Law, I am satisfied he would regard it as his duty to arrest such a man, and remove him from this body, as a violator of the law. It is as plain as it can be written, that a man must have taken the oath, and have been registered, in order to become a member of the Convention; and otherwise, he cannot become a member without violating the law. These men who present themselves here this morning, being lawyers, know that fact; and in the event of their being able to take the oath of registration, and the oath required of us here, I contend that the question is settled. That is a question which we have a right to determine.

Mr. HODGES, of Pulaski. I insist upon my question of order. These gentlemen have *prima facie* evidence of their title to their seats; and I claim that the first thing in order is their admission to their seats.

The PRESIDENT. Does the gentleman claim that to be their right before the Reports are acted upon?

Mr. HODGES, of Pulaski. I do. Any gentleman having his credentials, is entitled to his seat at once, unless some sufficient reason is adduced why it should be withheld.

The PRESIDENT. Does the gentleman propose to swear them in before acting upon the Reports submitted from the Committee?

Mr. HODGES, of Pulaski. I do. Then, I propose to have both Reports printed, and to take action upon them at a future day.

Mr. KYLE. That course seems to me a very peculiar one. The first question, I take it, is upon the adoption of the Reports. The majority and minority have reached the same conclusion as to the legality of the election of these delegates. Different matters connected with the election are recited,—some of these facts arguing informality, and some arguing intimidation. But all the members of the Committee arrive at the same conclusion, namely, that these parties are entitled to their seats. I insist upon my motion—I do not know whether or not it was seconded—that the Reports be received and adopted, and that the claimants, therefore, be sworn in.

The PRESIDENT. The Chair heard no second to that motion.

Mr. CYPERT. With a view of meeting the views of the gentleman from Pulaski [Mr. HODGES],—as I think our ideas concur in the matter,—I hope the gentleman will allow me to modify his motion, and that he will accept, as an amendment, the proposition that we adopt the resolution appended to the Minority Report, admit the claimants to their seats, and make the Reports a special order for some other day.

Mr. HINDS. On the part of the Committee which had this matter in charge, I will say, that the evidence was pretty thoroughly examined. There is a Minority Report, presented by one member of the Committee. The Majority Report is concurred in by the remainder of the Committee. It sets forth certain facts, and arrives at a certain conclusion. So far as I, as a member of the Committee, am concerned, I desire that the Convention shall act upon the Majority Report, and adopt it *as* the Majority Report. It is true that the same point is arrived at by the Minority and Majority Report. In adopting either, we admit the right of the parties to their seats. But still, there are objections to allowing them their seats by virtue of an acquiescence of the Convention in the Minority Report. We desire that the Report of the majority should be adopted as the action of the Convention, and that these parties should be admitted to their seats by virtue of the adoption of that Report.

If a substitute will be in order, I move, as a substitute for the motion before the Convention, that the Majority Report be adopted, and that these parties be admitted to their seats by virtue of the adoption of that Report.

If this be not in order at the present time, I shall certainly vote against the other proposition. The adoption of the Majority Report is necessary in order to show fully the condition of the matter before the Convention.

The PRESIDENT. The only two motions seconded, so far as the Chair heard, were, the motion of the gentleman from White [Mr. CYPERT], and the amendment thereto, of the gentleman from Phillips [Mr. BROOKS].

Mr. HINDS. I offer, then, as a substitute, a motion that the Majority Report of the Committee be adopted by the Convention.

Mr. CYPERT. I rise to a point of order. My understanding is, that on the submission of a minority report it takes precedence. The motion now offered would be exactly the converse of that, and would consequently amount to the same thing. The Minority Report claims precedence of action over that of the majority; the Minority Report being in the nature of an amendment.

Mr. HODGES, of Pulaski. That is my understanding; and the supposition that there might perhaps be a long discussion upon the subject, was my reason for having the delegates admitted at once, as I believe they are entitled to be; and then, even if the question is passed upon now, it can be taken up again in a day or two. But for the sake of having the matter fully understood, I am in favor of having the Report printed.

The PRESIDENT. The Chair has some hesitation in passing upon the points of order which have been raised. Suppose both Reports should be rejected? The Chair does not understand it to be conclusive, that because the Committee has agreed upon a conclusion, the Convention will necessarily adopt the same conclusion. If both Reports should be rejected

—the Chair offers the suggestion for the consideration of members whose opinions may enlighten him,—what would be the effect upon the claims of the gentlemen making application for seats?

Mr. HODGES, of Pulaski. It is my understanding that there is no longer a contestant, and that the evidence which these gentlemen hold in their hand, is sufficient to entitle them to their seats, in the absence of the contestant.

The PRESIDENT. Has the contestant withdrawn his claim?

A MEMBER [*in his seat.*] There is no report upon that question.

Mr. HINDS. There is no question before the Convention, now, as to the admission of the gentlemen claiming seats; but it is very necessary that the Convention take action, here and now, as to which report they will adopt. I am opposed to allowing these parties to come in otherwise than upon the Report of the Committee. One or the other report should be adopted as the action of the Convention; and for that reason move a substitute. The gentleman from White [Mr. CYPERT] moves that the Minority Report be adopted.——

The PRESIDENT. An amendment is offered,—to strike out the Minority Report proper, and adopt only the appended resolution.

Mr. HINDS. My motion, then, is, to substitute the Majority Report of the Committee.

Mr. HODGES, of Pulaski, proposed that the Convention reject the motion for the adoption of the Minority Report, and then adopt that of the majority.

The PRESIDENT. The question will be upon the substitute, adopting the Majority, instead of the Minority Report.

Mr. McCLURE suggested that the adoption of the Minority Report, or even the appended resolution, would preclude the consideration of the Report of the majority of the Committee; since the claimants would thus be admitted to their seats. The adoption of the resolution would admit them without taking into consideration the reasons given by either party.

Mr. WILSON. If in order, I would move an amendment.

The PRESIDENT. No further amendments are now in order.

After some further discussion on the parliamentary attitude of the question,

Mr. BROOKS stated that he entertained no objection to the resolution submitted by the minority of the Committee, and the substance of the resolution should, in his opinion, be adopted, from whatever quarter coming. But the argument of the Majority Report he desired to have submitted for the judgment of the Convention. The argument by which the Minority Report reached its conclusion, he considered entirely fallacious. His object in moving the amendment, striking out all of the Minority Report except the resolution, and leaving the question upon the adoption of the resolution, had been to get rid of the argument of the minority, while adopting its conclusions.

As objections had been made to this course, however, he asked permission to withdraw the amendment.

No objection being made,

Mr. BROOKS withdrew the amendment.

Mr. WILSON moved to amend by laying both Reports upon the table, and inviting the claimants to take the oath and occupy their seats.

Mr. HODGES, of Pulaski, asked for a division of the question.

Mr. MALLORY. It is evident, from the Report of the majority, that the point aimed at by the majority of the Committee is, a public reprimand—

Mr. BROOKS. I rise to a point of order. The motion is not debatable.

The PRESIDENT. The point of order is well taken.

Mr. MONTGOMERY moved to amend, by adding to the motion of the gentleman from Union [Mr. WILSON], that the consideration of the two Reports be made the special order of the day for the morrow, Friday, January 24th.

Mr. WILSON accepted the amendment.

Mr. HODGES, of Pulaski, withdrew the call for a division of the question.

The question was then taken on the motion, as amended, viz.: that both Reports be laid upon the table; that the claimants [Messrs. NORMAN and MOORE] of seats in the Convention, as delegates from Ashley County, be admitted to take the oath of office and occupy their seats; and that the consideration of the two Reports be made the special order of the day for Friday, January 24th; and the motion was agreed to.

QUALIFICATION OF MESSRS. NORMAN AND MOORE.

Messrs. GEORGE W. NORMAN and W. D. MOORE, delegates from Ashley County, then appeared in their seats, and the oath of office was duly administered to them by the PRESIDENT.

PENITENTIARY.

Mr. HOLLIS asked permission to introduce a resolution.

No objection being made,

Mr. HOLLIS offered the following resolution:

Whereas, It has been represented that a contract for the lease of the Penitentiary House of the State of Arkansas for a long term of years, to wit: for the term of fifteen years, was recently pretended to be made by and from an illegal body of men, styling themselves the General Assembly of the State of

Arkansas, to and with divers persons, said to be then opposed to the reconstruction measures of Congress, and hostile in feeling and sentiment to the Federal Government, which said pretended lease is said to have been accompanied with a loan of forty or fifty thousand dollars, taken, under some pretext, from the Public Treasury, and with a grant of other and further extraordinary and unheard-of privileges, immunities, and franchises:

And whereas, It is asserted by released prisoners and others that these pretended lessees, or some of them, being in possession of said Penitentiary Building as aforesaid, are accustomed to use, in the infliction of corporal punishment, especially upon colored convicts, an instrument of torture said to be found only on a few plantations in the darkest days of slavery:

Therefore, be it resolved: That a Committee of nine, two of whom shall be colored delegates, be appointed, whose duty it shall be to collect facts and proof, and to procure papers and persons, to be brought before the Committee on the Penitentiary, which Committee shall at once proceed to hear, investigate, and reduce to writing, the whole testimony in the case, and make their report for the further action of this Convention, which said report shall show how said Penitentiary was leased, by whom or to whom; in whose possession the same is, and how they came by it; and all other matters touching its management, the treatment of prisoners, &c.—which said report shall be accompanied by the testimony so reduced to writing.

Mr. MONTGOMERY moved that the resolution be referred to the Committee on the Penitentiary.

Mr. HODGES, of Pulaski. I might, perhaps, be silent; but would like at this time to say a word or two; and it may do no harm. I have frequently heard of legislative bombshells, and I suppose we have one now. [Laughter.] It may be that the resolution is intended as a personal matter to me. I can say, to start out, that, the investigation being called for, if by persons duly qualified, and understanding, practically, questions of this kind, there exists not the slightest objection, on my part, to the investigation. If there are persons whose business it is to attend to these matters, and if they have failed to do their duty, the fact ought certainly to be made known.

The "unconstitutionality" of the Act, or of the body enacting it, I do not wish to say anything about. That matter, I suppose, can be tested, when it is desirable. I desire, however, with the permission of the Convention, to read, from the Act before me, being Chapter 27 of the Statutes of 1866–7, "To provide for the erection of additional buildings upon the Penitentiary grounds, and for other purposes,"

> "SECTION FOUR. *Be it further enacted,* That the auditor, treasurer, and secretary of state are hereby authorized to appoint one competent inspector of the work done under the contract provided for by this act."

The appointment so provided for, was duly made. But as the point of the proposed inquiry has more particular reference to another section, I will read that:

> "SECTION FIVE. *Be it further enacted*, That said inspector shall be ex-officio supervisor of convicts of the penitentiary, and shall make quarterly reports to the Governor, of the health, treatment, and conduct of the convicts, and shall receive for his services, five hundred dollars per annum, to be paid quarterly, as other officers, and for cause shall be subject to removal."

That appointment was made by the proper officers; and the appointee is a gentleman very well known to the honorable members of this Convention,—Col. B. F. Danley. He has from time to time visited the Institution; he has certainly drawn his salary; he has made his reports as directed by the law; and it has been his duty to inform me, if anything was out of order, and to report the facts to the proper authority, the Governor. If anything of the kind has been reported, I want to know it. The shaft may be aimed at myself, but it flies off from me, and strikes directly at the Inspector. Gentlemen had better ascertain whether the agents appointed to stand between the contractors and the State, and to see that justice is done to all parties, have done their duty. Under the circumstances these are the proper inquiries to make. If such things have taken place as are alleged, the facts should be made known. My attention has never been called to them; and if such things have ever occurred, they should at once have been reported to the Governor.

But the law still further provides:

> "SECTION SIX. *Be it further enacted*, That there shall be, and the auditor, treasurer, and secretary of state are hereby authorized to appoint, an attendant physician for said penitentiary, who shall make quarterly reports to the Governor, of the penitentiary, cleanliness of cells or apartments, health of convicts, *treatment received in health and sickness.*"

Here is another officer whose duty it is to have a similar supervision. That officer, unless detained by sickness, visits the Institution every day, and goes through it at will. So may the Inspector, whenever he chooses. They have access at will to every employee and every appointee, and to every convict, of the penitentiary. If these gentlemen have not done their duty, the matter certainly calls for inquiry. The physician receives a salary of one thousand dollars per year. But I rise to say that I believe they have done their duty; and have properly examined into all these matters. I believe them, though differing from me politically, to be gentlemen of honor, character, and capability, and better able to judge of these matters than men who stand outside and bark, like little dogs.

I do not mean to say that I have Christians confined in that Penitentiary. If they were such they should be at large, and enjoy the same privileges as we do. I have the lowest men in the land to deal with. I have to control them, or they will control me. Different men are controlled in different ways. Some may be governed by kindness. Some require severe discipline. There must be a code of discipline for such. The code of discipline adopted in different States, varies. I have been in doubt as to whether we have any act, in Arkansas, upon the subject. It has been the opinion of some, that a law passed by a former Legislature was a valid one, and is now in force. Some have said that we have no statute, at present, upon the subject, and must act upon our own best judgment until another Legislature shall pass a law making rules by which we may be governed. Thus far, we have been in the hands of two Inspectors. If they have not done their duty, it is for the Convention to inquire into it.

So far as regards receiving money from the State, I cannot get a single dollar from the State, except upon the Inspector's certificate. It his duty to see that we do not get a dollar that does not belong to us. It is our privilege to get every dollar that belongs to us. If gentlemen make these charges against these officers, let them do so; I will not be a party to it.

Many gentlemen think that because the Penitentiary is a "big thing" in itself, all that the contractor has to do is, to squeeze a little, and gold, silver, and greenbacks will run out. There is a gentleman on this floor, who was in the Legislature of Arkansas, last winter. He is an honorable man, and I believe will say now, as he said then, that the measure was the best, relating to this subject, ever presented to the people of the State. The principle of the law is, to make the Institution self-sustaining. We received it with nothing but the walls, and the bodies of the men. We have had to purchase everything, from spoons up. We had not a single mechanic in the Institution. We received it in every respect as it were in an embryo state. Two months elapsed during the consideration of the measure by which the contract was given to us; and the honorable gentleman to whom I have referred said that this plan proposed was the only feasible one before the Legislature. Men came from the southern and the northern portions of the State, and from every quarter, to examine into the matter and see what could be done. The proposition upon which we received it was printed and before the public, and the whole matter thoroughly canvassed; and nothing better was offered. The Committee of both Houses, by a large majority, reported that the proposed plan was the best possible one for the interests of the State. I repeat, that the principle of this Act is, to make the Penitentiary self-sustaining. I have the Reports, on this subject, from twenty-one of the Northern States; which show the condition of penitentiary affairs in those States respectively, and afford a ground of comparison between the practical working of the system here and elsewhere. There are gentlemen on this floor, who will sustain me in the statements I now make. There is not a single penitentiary, in all these twenty-one States, that is self-sustaining. Some of them have been in operation for twenty-one years, and are in the best working condition. I recollect the statistics on this subject in some of these States. The Penitentiary of New York, for example, last year, was $125,000 short of self-sustaining. That of Pennsylvania about $60,000. That of Ohio, about $18,000. That of Michigan $67,000 short. And so of them all; not one of them is self-sustaining; while the system adopted in this State will make her Penitentiary self-sustaining, and something more.

By the permission of the Convention, I will read briefly from the Report on the Penitentiary of Ohio. From another report I could still better illustrate my statements; but it is not at hand at this moment.

> "Whether the Penitentiary can be made to support itself, is a problem which has often been discussed. It is very clear that the receipts and expenses will not equal each other until the contract price for convict labor is increased. That cannot be done to any great extent before the present contracts expire. Whether the Institution can be made self-sustaining when that time arrives, we consider very questionable. The Directors and Officers are necessarily restrained, in making their contracts, and transacting their business, by legislative provisions, and deprived of the exercise of any considerable discretion. Their purchases are all made in pursuance of statutory directions, and are principally confined to a single locality. They cannot have buyers in different markets. They cannot avail themselves of fortunate opportunities. They cannot anticipate a scarcity, or make temporary arrangements until there is a full market, as those do who have the charge of private enterprises of equal magnitude. This is not only the fact in regard to the Penitentiary, but it is the case with all institutions which are managed directly by the State; and it always will be, until public officers can be trusted to the same extent as private agents. In addition to this it should be borne in mind, that ordinary laborers generally require only a superintendent; convicts require a large number of guards and other officers, and complicated and expensive arrangements to keep and control them, irrespective of any labor they may perform. In answer to the Resolution of the Legislature on the subject, we can only make these suggestions, and leave the problem where we found it, unsettled."

That is an extract from the Report of the Warden of the Ohio Penitentiary, submitted in compliance with a resolution calling for his opinion upon these subjects.

I have already said more than I intended; and I will ask pardon for trespassing so long upon your valuable time.

The question was taken on the motion to refer the resolution to the Committee on the Penitentiary; and the motion was agreed to.

Mr. BROOKS moved that Messrs. **White** and **Mason** be added to the Committee on the Penitentiary.

Mr. KYLE. I thought the committees were full. I heard it so stated from the Chair, and that no additions could be made.

Mr. BROOKS. This is a special, not a standing, committee.

Mr. KYLE. I did all in my power to catch the eye of the Speaker and obtain the floor, before the vote was taken, upon this question. As to the merits of the question, I profess to know but little; but as the resolution proposes to raise a select committee, to look into this subject, and thus to provide for an investigation, I cannot see the propriety of its reference to a standing committee.

The PRESIDENT. The gentleman from Dallas [Mr. **Kyle**] is in error.

Mr. KYLE. I think there was a standing committee appointed, on the Penitentiary.

Mr. BROOKS. We have voted to refer the resolution to the Committee on the Penitentiary. That, of course, is equivalent to an adoption of the instructions. Without any specific, authoritative instructions, it has the moral force of instruction. Then, as the Committee on the Penitentiary is a select committee, raised for the express purpose of inquiring into the subject of the Penitentiary, and is directed to report to this body, of course it is appropriate to make the reference, instead of raising an *additional select committee*, to make an investigation *and report to a select committee*. I made the motion to add these colored members to the Committee, only with a view to meet the views of the gentleman submitting the resolution. If there is anything demanding our attention, and for which any corrective appliance may be needed, we of course intend to take such action as may be called for. Let the Committee, as augmented in number by the motion just agreed to, take the question, with all the information at their command, sift it to the bottom, and, if they have anything worthy of our attention, report it to the Convention.

The question was taken, on the motion to add, to the Committee on the Penitentiary, Messrs. **White** and **Mason**; and the motion was agreed to.

DISFRANCHISEMENT—AGAIN.

Mr. SCOTT offered the following resolution:

Resolved: That the Committee on Franchise be instructed to inquire into the propriety of disfranchising all persons who have taken an oath known as the "Iron-clad" oath for the purpose of accepting office, and who have, or may hereafter, oppose reconstruction.

Mr. BROOKS moved that the resolution be referred to the Committee on the Elective Franchise.

The question was taken; and the motion was agreed to.

STAY OF EXECUTION.

Mr. MONTGOMERY offered the following Ordinance, which was read a first time:

AN ORDINANCE PROHIBITING JUDICIAL PROCEEDINGS IN CERTAIN CASES, AND FOR OTHER PURPOSES.

Be it ordained by the people of the State of Arkansas, in Convention assembled: That no suit shall be brought upon any verbal or written contract maturing before the first day of June in the year of our Lord one thousand eight hundred and sixty-five, and that no executions shall be issued upon any judgment heretofore recovered on any such demands of any nature, name, or description; and that all executions heretofore issued on any such judgments and not returned or otherwise disposed of, shall be returned, by the officer to whom the same are directed, endorsed, "Returned by operation of law," and the ratification of this Ordinance relate back to the date of its passage by this Convention. *Provided*, that the parties purchasing may have the option of rescinding sales of real estate made up to June 1st, 1865, or of submitting to enforcement of payment of purchase-money by law.

Mr. HINDS moved that the Ordinance be referred to the Committee on Memorials and Ordinances.

Mr. MONTGOMERY moved, as a substitute, that the Ordinance be referred to the Committee on the Judiciary.

The question was taken on the adoption of the substitute; and the substitute was adopted.

DISFRANCHISEMENT—AGAIN.

Mr. BELL offered the following resolution:

Resolved: That the Committee on Elective Franchise are requested to take into consideration the propriety of disfranchising no citizen who aided in reconstruction.

Mr. BROOKS moved that the resolution be referred to the Committee on the Elective Franchise.

The question was taken; and the motion was agreed to.

ADJOURNMENT.

Mr. BROOKS moved that when the Convention should adjourn, it adjourn to meet at two o'clock, P.M.

Mr. MONTGOMERY. I rise to a point of order. Under our rules we cannot adjourn to two o'clock. We can take a recess till that hour.

Mr. BROOKS. I move you, then, sir, that the Convention take a recess to two o'clock, this afternoon.

I would state to the Convention, that the object which I have in view is, to procure a consideration, if possible, in Committee of the Whole, of the subject of relief to the suffering poor of the State. It seems impossible to reach the subject in the morning session. If we take a recess until two, and then reassemble, we may reach that question this afternoon.

The PRESIDENT. The Convention will be able to finish the regular order of proceedings, in a few minutes.

Mr. BROOKS. For that purpose, I withdraw my motion.

PAY OF MEMBERS AND OFFICERS—AGAIN.

Mr. BELL, in accordance with previous notice, moved to reconsider the vote by which the Ordinance establishing the Per Diem of Members and Officers of this Convention was passed.

Mr. MONTGOMERY moved that the motion for reconsideration be laid upon the table.

Mr. GANTT asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative,—Yeas, 11, Nays 53, as follows:

YEAS: Messrs. Belden, Harrison, Montgomery, Rawlings, Rector, Rounsaville, Sams, Samuels, Scott, White, and Williams—11.

NAYS: Messrs. Beasley, Bell, Brashear, Brooks, Coates, Corbell, Cypert, Dale, Duvall, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hollis, Hodges of Crittenden, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Kyle, Mallory, Mason, Matthews, Merrick, Misner, Millsaps, Murphy, McCown, McClure, Moore, Norman, Oliver, Owen, Poole, Portis, Priddy, Puntney, Reynolds, Shoppach, Sims, Smith, Snyder, Van Hook, Walker, Wilson, Wright, and the President—53.

So the Convention refused to lay the motion for reconsideration upon the table.

The question recurring upon the motion to reconsider the vote by which the Ordinance establishing the Per Diem of Members and Officers of this Convention was passed,

Mr. CYPERT asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative,—Yeas 40, Nays, 26, as follows:

YEAS: Messrs. Beasley, Bell, Brashear, Brooks, Coates, Corbell, Cypert, Dale, Duvall, Evans, Gantt, Gray of Jefferson, Hatfield, Hicks, Hinds, Hinkle, Hodges of Crittenden, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Kyle, Mallory, Mason, Matthews, Millsaps, Misner, McCown, Moore, Norman, Owen, Priddy, Puntney, Reynolds, Shoppach, Smith, Snyder, Walker, Wright, and Wyatt—40.

NAYS: Messrs. Belden, Exon, Grey of Phillips, Harrison, Hawkins, Hollis, Langley, Merrick, Montgomery, Murphy, McClure, Oliver, Poole, Portis, Rawlings, Rector, Rounsaville, Sams, Samuels, Scott, Sims, Van Hook, Wilson, White, Williams, and the President—26.

So the vote by which the Ordinance was passed, was reconsidered.

Pending the call of the roll,

Mr. McCLURE said: I vote No, unless I learn something about what I am voting for. If the gentleman [Mr. BELL] gives any reason for the reconsideration, I will change my vote.

Mr. SNYDER having declined to vote,

Mr. MONTGOMERY (before the vote was announced) said: I think it necessary that every gentleman in the Convention should vote, unless excused. I believe the rules require every member to vote.

The PRESIDENT. Under the rules, every gentleman within the bar of the Convention must vote.

Mr. SNYDER. I declined to vote; but submit to the sense of the Convention.

Mr. BROOKS. I suggest that if, when the roll is called, gentlemen do not desire to vote, it is an easy matter for them to retire without the bar. That relieves them from the necessity of voting; but if they remain within the bar, they must vote, unless excused by the Convention.

The PRESIDENT. The rule is imperative.

Mr. SNYDER. That is what I supposed. And I suppose, also, that gentlemen having objection to my not voting, should object. I vote Aye.

The vote was then announced, as above.

Mr. BROOKS moved that the Ordinance be recommitted to the Committee on Finance, Taxation, Public Debt, and Expenditures.

Mr. HICKS moved, as an amendment, that the Committee report to the Convention the distances which the members, respectively, might travel, in reaching the place of session of the Convention.

Mr. BROOKS. I submit that the motion is not subject to any amendment, except it be in the form of a specific instruction. It is a very extraordinary motion, to move to refer that kind of work to the Committee.

The PRESIDENT. The question will be upon the motion to refer to the Committee.

Mr. McCLURE. What will become of that class of cases in which the pay and mileage have already been certified under this Ordinance?

The PRESIDENT. The Chair would state, that certificates have been issued under the Ordinance.

Mr. BROOKS. Gentlemen who have been in hot haste upon that subject, will have to take the consequences. The notice of reconsideration was given, according to rule, on the day following the passage of the Ordinance. We know not that there will be any change; but if any change should occur, of course the Convention will not be responsible in such cases. I suppose that any irregularities of that kind will be very easily adjusted. Of course, if there should be a reduction, honorable members who have had certificates passed will return the certificates to the Auditor of the State, and have them adjusted in accordance with the final order of the Convention—I am sure they will.

The PRESIDENT. The Chair will remark, that it was necessary to make a test case of this matter of per diem. A certificate was issued in order to test the question as to whether the proper officers would duly recognize the action of the Convention.

Mr. McCLURE. This Ordinance, I believe, was passed yesterday.

The PRESIDENT. Day before yesterday.

Mr. McCLURE. It is sufficient to say, that it has passed. Gentlemen are becoming clamorous, here, for money; and in their clamor have lost sight of one point. This Ordinance was passed two days ago. Gentlemen are claiming pay, and coming to the Finance Committee, wanting to know what to do in order to obtain funds; and yet no man has taken out a certificate of the amount due him, until this morning. I obtained that certificate, myself, in order to furnish a test case, to ascertain whether the Auditor would issue, upon a certificate presented. It was contemplated, this morning, among our first proceedings, to pass an order, delegating some one of the members of the Convention to wait, in person, upon the General commanding, with a certified copy of the Ordinance providing for the levy of a tax, of that appropriating seventy-five thousand dollars for defraying the expenses of the Convention, and of that fixing the per diem and mileage of members and officers, together with a statement from the Treasurer of the State, showing the amount of money in the Treasury, the amount of bonds, belonging to the State, deposited in the City of Washington, and the amount, of the sum in the Treasury, appropriated by the last Legislature. With these papers, it was proposed that he should present himself to General Gillem. It was hoped that we should have this delegate at Vicksburg on Monday night, so that on Tuesday we could ascertain what disposition had been made of this money, and whether or not it could be obtained. If the Ordinance is to be recommitted, the Committee may hold it I don't know how long. I do not know in whose interest this Committee are, nor do I charge that they are in anybody's interest. But there is a question as to what causes all this delay. It may be the Committee; it may be the ignorance of ourselves; or it may be still other causes. The Convention, after the report of the Committee shall have been brought back, will take up the whole matter, digest it, and tear it to pieces, as was done day before yesterday. If there were any reason for the reference,—if the Committee were endowed, by their Divine Creator, with more intelligence than the rest of the Convention,—there might be some good reason for sending back the Ordinance to them, for their revision and amendment; but as it is, let us amend it here. We shall not be concluded by the report of the Committee. The object of *some* member, in this Convention, is, a delay; and that at a time when many gentlemen, in the situation in which they find themselves here, are pressed for money, and are being dunned to pay their bills. If it is desired to reduce the pay of certain parties, I have no objection to that. Let the reduction be proposed, and let whatever may be deemed advisable in the premises, be effected by the action of members, upon the floor. Let us deal with the question just now, and have the delegate in Vicksburg on Monday night.

Mr. BROOKS. I hoped that the motion would be adopted without any delay. Such a remark as is made in regard to a disposition to delay and embarrass, has no application to those who offered the motion to refer. That does not hit here, at all. But a portion of the Convention—whether a majority, or not, will be determined hereafter—are dissatisfied with the adjustment of compensation made in the Ordinance; and whether I belong to that portion of the Convention, or not, there is, as I have heard, so large a number of members expressing dissatisfaction, that I shall certainly concur in a motion to reconsider, in order that they may have an opportunity to bring forward their objections. I thought, myself, that the more expeditious mode would be, for gentlemen who wish a change, to bring their views, and the considerations which induced those views, before the Committee. They may "run" all night, if they choose, and let the Committee receive all the light possible, upon this subject, and report back to-morrow morning: but let us act upon the matter. It is true, the report of the Committee will undergo revision, and we may have motions to amend, and many other motions for all I know; but nevertheless, we shall save time by a recommittal. I am not prepared to move any special instructions. I prefer that the Committee take up the question, consult with members, and submit their report on full consideration of the views presented to them. I am sure there are sufficient members to meet with the Committee at any time, if opportunity should be offered, and lay before it the reasons which have influenced them in moving this reconsideration. We are not prepared, if we take the recess as contemplated, to return at two o'clock, to investigate the whole subject, in debate, upon this floor. I think I should prefer the despatch of a messenger, as contemplated—particularly if we should determine, this afternoon, who the messenger shall be, in order that he may be prepared to leave as soon as the papers, etc., shall be ready. The question can be fully acted upon, to-morrow, in the morning or afternoon session. If we cannot do that, we can then meet in the evening, and sit till midnight, if necessary, and "grind it out."

RECESS.

Mr. McCLURE. I now move you, sir, that the Convention take a recess till two o'clock, and that this subject be made the special order for the consideration of the Convention at that time.

Mr. HODGES, of Pulaski. I will ask if that motion carries with it, over the recess, the motion to refer. If it is an amendment, it does not, as I understand, strike out that portion of the original motion.

The PRESIDENT. If the Convention shall vote to take a recess until the hour specified, and make the subject now before the Convention a special order for that hour, the effect of that action will be, to kill the motion for reference, now directly before the Convention. It would of course be improper to anticipate any action which the Convention may take when it shall reassemble.

The question was then taken on the motion that the Convention take a recess to two o'clock, P.M., and that the consideration of the Ordinance establishing the per diem of members and officers of the Convention be made the special order for that hour; and, a division being called for, the motion was agreed to,—Ayes, 44, Noes not counted.

Before the result of the vote was announced,

Mr. BROOKS said: I should like to have a division of the question. The recess, I am in favor of.

The PRESIDENT. The call for a division of the question comes too late; as the vote is in progress.

The result of the vote was then announced, as above.

The Convention thereupon took a recess to 2, P.M.

AFTERNOON SESSION.

At 2, P.M., the Convention was called to order.

The roll was called; and a quorum of the members of the Convention answered to their names.

The PRESIDENT stated the special order of the day to be the consideration of the Ordinance to provide for the Per Diem of Members and Officers of this Convention; which Ordinance (the vote by which it was passed having been reconsidered) was now upon its final passage.

Mr. McCLURE. I would propose to amend by striking out all in Section 1, after the words "per day," and inserting, instead thereof, the following:

That for each day necessarily spent in coming to and returning from this Convention, delegates shall receive the per diem now established in lieu of mileage. *Provided*, that nothing in this Ordinance shall be so construed as to compel delegates who have doubts as to the legality, constitutionality, or justness, of the Ordinance, to accept the amount hereby established and declared.

Mr. McCOWN offered the following substitute for the amendment, viz.: that the words "actual travelled route" be stricken out, and that the words "usual travelled route" be inserted instead thereof.

Mr. MONTGOMERY seconded the adoption of the substitute.

Mr. McCLURE asked for the yeas and nays.

The yeas and nays were ordered.

Mr. MONTGOMERY. I cannot conceive why these gentlemen who come up the Arkansas River, and lie on a sand-bank for several days, desire those of us who ride in the stage, to receive ten dollars per day for the actual time consumed in travelling. These gentlemen who travel on steamboats, can, on the basis of actual time consumed, receive pay for forty days' travel, if they happen to have the good luck to stick on a sandbar. There is no justness or fairness in the proposition.

Mr. McCLURE. There seem to be a great many gentlemen, here, who consider themselves engaged in campaigning. Now, sir, I propose to put every man on the record. If this talk is Buncombe, let us have Buncombe—let us have it understood—let it go to the people as Buncombe.

So far as the proposed amendment is concerned, it in no way alters the effect of the Ordinance as it now stands. It will not make one cent's difference with any man in this Convention, whether we say "actual," or "usual." The insertion of the word "usual" does not affect the class of men whom it is proposed to hit by this amendment. So, as this is a matter of economy, and the interest of the people is at stake, I propose to place every man upon the record, and enable him to show that he voted for a proposition fair, honorable, and just.

Mr. McCOWN. I had hoped we should have no further trouble with this matter. If economy is the only point to be considered, this mere motion for reconsideration has cost more, almost, than the mileage would have amounted to had the Ordinance been left to stand as it was. As to "the dear people," I suppose I have as much respect and love for them, as the gentleman from Arkansas [Mr. McClure]. But I have, as I think, many reasons which I will be able to give my constituents, if I shall so desire, for interference with the Ordinance which was passed by the Convention. One of those reasons, is this. It seems that we have a full Treasury. We have enough money to put out at interest. It is lying, dead capital, in the hands of other parties, instead of going out among the people, as it should. We learn from nature, that the rain falls, gathers in rivulets, and goes to the ocean. The clouds gather it back, and it falls upon the wasted fields and fertilizes them again. Now, sir, I have no objection to being a disbursing officer. I have no objection to the gentlemen of this Convention gathering up some of the waters out of this lake, and carrying them back to the people. The constituency whom I represent do not expect me to come here to work for nothing and pay for my own board. Whatever other gentlemen may be willing to do, I certainly am not willing to do that. I am not ashamed, or afraid, to put myself upon the record. I will not hesitate to say that, in matters of this kind, the course of many gentlemen is governed by the fact that they want office again. Sir, the people are not such "terrible" fools as gentlemen think for. They have been appealed to for the last thirty odd years, before the assembling of every Legislature and Congress; and all these matters have been gone over before them,—of mileage and pay. They know it is the same old song. They know it is all done for political and demagogical purposes, and not from any desire to protect them. There are divers persons to be protected here. While we hold paramount the interests of the people, we should hold the interests of our own families in our minds. Some gentlemen live close by the Capital; and, others can reach their homes, by steamboat, for two or three dollars; but we "gentlemen from the rural districts," as we have been called—and I am not ashamed of it, —who have gone through snow and rain and mud, in the most expensive (and the meanest) conveyances in the world, are expected to come here, and return, for less than will reimburse our actual outlay in travelling. And this, as I said, by gentlemen who travel, at their ease, in a steamboat, and for a nominal price. No rule can be made which will not be hard in particular instances; but we must adopt the rule which, upon the whole, will occasion the least hardship. For myself, I have no fear of putting myself upon the record: I desire to do it, and I want every other man to do the same. I want to protect the interests of the people, and I want to protect myself at the same time. I speak frankly; and so far as that is concerned, the people are not so great fools as not to know that every one of these gentlemen wants to protect himself.

Suppose we adopt the proposition before the Convention;—what can be said, provided we dispatch the business as we should do? We can say, and say truthfully, that our Doorkeepers have not kept groceries in our committee-rooms, for the convenience of the members—other legislative bodies here have done it. We are working, and working to the point; and I hold that a good and faithful laborer is worthy of his hire,—more so than a mean one is.

Mr. BELL. I would remark, that I moved a reconsideration of this matter, from the fact that I considered that we were taking too much from our people,—that our per diem and mileage was actually too much; not too much to defray expenses of gentlemen of this Convention—they probably could use more—but our people are poor—they have been reduced to poverty—they are now toiling, and contending with poverty, at home. It was my opinion at the time, and it is my opinion yet, that it would be well for us to learn to economize a little at the Capital, as well as at home. I am of the opinion that eight dollars per day is sufficient for the members of this Convention to live upon. I am of the opinion that it is enough for the Secretaries and Chaplain; and I think that the per diem of the whole body, members and officers, might be reduced, say one-fourth. And then, if in order, to economize still further, and yet without doing any gentleman in this house injustice, I would move that we amend the substitute by inserting the most——

The PRESIDENT. The Chair will interrupt the gentleman, to state that the amendment is already in the nature of a substitute. The substitute offered by the gentleman will be in order when that now before the Convention shall be disposed of.

Mr. McCOWN. By way of answering the argument of the gentleman who has just spoken [Mr. BELL], I would say this. What the gentleman has said, is true. I appreciate it as much as any man. But whether the Convention shall decide our pay to be eight, or ten dollars, or one dollar, per day, does not interfere in the least with the tax that is to be exacted from the people; for that has already been voted. The only difference is this: if we vote ourselves any of the money raised by the tax, we carry some of it home; if we do not, we leave it in this maelstrom of Little Rock, where, if once cast, it is extremely hard to get it out. [Laughter.]

Mr. KYLE. I cannot see much difference between the amendment and the original proposition. I presume the object of my friend from Columbia [Mr. McCOWN] is, that the members shall receive mileage by the most direct route, from their residence to the Capital. The intention is, that a member from Mississippi County, in the northern portion of the State, shall not be permitted to take a steamboat there, travel by way of Memphis and Napoleon, and charge mileage for travel by that route. Now, it certainly is practicable to carry out that resolution. There may be some mountain ridges, between some counties and the Capital, which it is difficult to pass. But, certainly, there are roads, of one sort or another. The object to be attained seems to be, to get the distance from the actual residence of the member, to this place, on the most practicable route. Hence, I move to amend the amendment by inserting before the word "route," the word "land."

The PRESIDENT. The Chair would observe that it has already been decided that there are as many amendments before the Convention as can be entertained at one time. Further amendments are not at present in order.

Mr. POOLE. I am a member from Mississippi County. I came down the Mississippi, it is true; but I did *not* come to the mouth of the Arkansas, at Napoleon. I came to White River, and came up that river. It is the nearest practicable route. I cannot go across the country. I am a very timid young man [Laughter], and the route across the country is a very difficult one, and there are some of Jeff. Thompson's old guerillas there, and that would be reason enough for my going by steamboat, if there were no other. I thought it the safest way of coming; and it was also the only way by which I *could* come.

The PRESIDENT stated the question before the Convention to be upon the adoption of the amendment striking out the word "actual," and inserting, instead thereof, the word "usual."

Mr. McCLURE stated that he had moved a substitute for the amendment.

The PRESIDENT declared the substitute to be out of order.

Mr. McCLURE. Then I renew my proposition, as an amendment to the amendment.

The PRESIDENT decided the amendment to the amendment to be out of order.

The yeas and nays were asked and ordered.

The question was then taken upon the amendment striking out the word "actual," and inserting, instead thereof, the word "usual;" and it was decided in the affirmative,—Yeas 50, Nays 17, as follows:

YEAS: Messrs. Beasley, Belden, Brashear, Brooks, Coates, Cypert, Dale, Duvall, Evans, Exon, Gantt, Grey of Phillips, Harrison, Hicks, Hollis, Hodges of Crittenden, Hoge, Houghton, Hutchinson, Kyle, Langley, Mason, Matthews, Millsaps, Montgomery, McClure, McCown, Moore, Norman, Owen, Poole, Portis, Priddy, Puntney, Rawlings, Reynolds, Rounsaville, Samuels, Sarber, Scott, Shoppach, Sims, Smith, Van Hook, Walker, White, Williams, Wright, Wyatt, and the President—50.

NAYS: Messrs. Bell, Gray of Jefferson, Hatfield, Hawkins, Hinds, Hinkle, Hodges of Pulaski, Mallory, Merrick, Misner, Murphy, McClure, Oliver, Rector, Sams, Snyder, and Wilson—17.

So the amendment was agreed to.

After some inquiry and discussion as to the effect of the adoption of the amendment,

Mr. HINDS moved to strike out, before the word "spent," the word "necessarily," and to insert, instead thereof, the word "actually;" and announced his intention to say a few words upon the subject of the amendment.

Mr. BROOKS. I rise to a point of order. And in so doing, I wish it to be understood that I have not the slightest repugnance to the amendment; I must, however, be allowed to insist that we proceed in accordance with the rules of order. An amendment having been rejected, it is not competent to move it again in substance, changing only a solitary word.

The PRESIDENT. The Chair is of opinion that the point of order is well taken.

Mr. HINDS. I contend, however, that the amendment which I offer is not the same that has been acted upon, as I believe I can show to the Chair.

The PRESIDENT. The Chair has decided, simply, upon the point of order as stated. If substantially the same as before offered, the amendment is not in order.

Mr. HINDS was understood to move an amendment providing that members should receive eleven dollars per day for each day actually consumed in travelling to and from the session of the Convention. He remarked:

Now, sir, I have a word to say upon this subject. It is not supposed, by any gentleman a delegate to this Convention, that he is going to make anything out of his travel, or that he could expect to receive any profit for his services in this body. I do not think it right or proper that a gentleman who travels three hundred or seven hundred miles, to attend the session of this Convention, and occupies three or four days in coming here, should receive five hundred dollars for his travel. If a gentleman is necessarily travelling upon a certain route, he is, of course, entitled to pay based upon the length of that route. But we should have some reason in this matter. We should so average the mileage as not to allow gentlemen who spend three or four days in coming here, to be paid at the rate of fifty or sixty dollars per day for that service; and I would like to put the matter in such shape that the gentlemen so situated shall receive no more, or only a little more, for the time consumed by them in travelling, over and above their actual expense, than we receive for the time spent in the actual duties of the Convention.

Mr. McCOWN. I rise to a point of order. The amendment submitted by the gentleman from Pulaski [Mr. Hinds] is substantially the one that has been defeated. It is the same pig, with its tail cut off to disguise it. [Laughter.] It is the same individual; and if you will analyze it, you will see it is the same.

Mr. HINDS. It is substantially the same.

Mr. McCOWN. It is a mere change of the sum of money, and not a change of the spirit or intent.

The PRESIDENT. The question seems to be, in regard to the basis of mileage. The Chair will hear any explanation the gentleman from Pulaski [Mr. Hinds] may offer, relative to the point of order raised.

Mr. HINDS. When there is a difference in money, I take it there is a substantial difference—money is a substantial thing, and when you change from one figure to another, the change is a substantial one.

After some further remarks upon the point of order raised,

Mr. HINDS was permitted to proceed, and remarked: I am not disposed to take such action, here, as will allow gentlemen the sum which it is proposed shall be realized in the form of mileage. If, for instance, a gentleman from Hempstead County occupies four days in coming to the Convention, he would receive, by the plan proposed, four times eleven—forty-four—dollars per day, for the time consumed in his travel. Now, suppose a gentleman from Mississippi County is five or six days, or ten days, in coming, he would receive ten times that amount—say, one hundred and twenty dollars. That will pay any man's travelling expenses in coming here and a per diem besides. And that, I think, is the desire of the members of this Convention. I think it the desire of those gentlemen who live near the Capital, that those from a distance shall be paid a fair sum, but not an exorbitant one. One hundred or one hundred and twenty dollars will pay the travelling expenses of any gentleman in the Convention,—and will pay him very well.

Mr. McCOWN. I am not surprised that the gentleman from Pulaski [Mr. Hinds], is not disposed to allow much mileage, inasmuch as he lives here, and it is very convenient for him to stay here. I think it possible that he can stay here a good deal cheaper than we can.

I move to lay the gentleman's amendment on the table.

Mr. MONTGOMERY. I am not in favor of laying the proposition upon the table. Should that be established as a precedent——

Mr. BROOKS. I rise to a point of order. A motion to lay upon the table is not debatable.

Mr. McCOWN withdrew the motion.

Mr. MONTGOMERY. The gentleman desires to amend so that members of the Convention shall receive eleven dollars per day for the time occupied in coming to this Convention. For all that I know some members may have started a month before the opening of the session of this body, and have gone round to visit their friends, and still have actually been upon their way hither during that time. Gentlemen come by some conveyances more quickly than by others, and they have to pay a high price for the privilege. I have never yet known, in any legislative body—and I have examined the proceedings of some—I have never known of a case where mileage was fixed in that way. I have always known, and I believe every gentleman here has always known, that mileage is always fixed at so much for every mile's travel,—computing it by the rate per diem; and I shall insist, so far as I am concerned, that the rule be fixed in that way. I think the proposition is good enough as it now stands, without further amendment.

Mr. BROOKS. I very much regret to seem to be in the attitude of opposing a movement looking toward economy; and yet the amendment of the gentleman from Pulaski [Mr. HINDS] economizes a little too closely for our comfort. If that amendment prevail, we shall not be able to cover expenses and return home. By taking the most expeditious and economical route, we can take the figuring as closely as is really practicable, unless, indeed, we can walk—and I am not sure even of that, as, for my own part, I am not a good walker. If we are to make sacrifices for reconstruction, then the gentleman's amendment will be a very good one; but if we are to cover our expenses, we cannot figure more closely upon the question of mileage than we have already done.

The PRESIDENT. The Chair has permitted the discussion upon the amendment of the gentleman from Pulaski [Mr. HINDS] to proceed, in order that the Chair might meanwhile be enabled to examine the point of order which has been raised in regard to the admissibility of the amendment. The Chair will not take the responsibility of deciding that the amendment is out of order.

Mr. McCOWN moved that the amendment be rejected.

Mr. MONTGOMERY. My stage fare is twenty dollars. My additional travelling expenses were about twenty dollars. Upon the basis of the amendment offered by the gentleman from Pulaski [Mr. HINDS], I shall receive twenty-two dollars; and I shall be eighteen dollars out of pocket.

Mr. HINDS. I am willing to say twenty dollars a day. It is not proposed by me, or, I think, by any gentleman in the Convention, to do other than justice.

I wish, further, to call attention to a proviso which I regard as desirable. I understand there are certain gentlemen who are disposed to doubt the constitutionality of this Convention. Those gentlemen of course will be disposed to refuse any per diem—in fact, I notice that those gentlemen vote against every proposition for pay.

Mr. MONTGOMERY. I rise to a point of order. The gentleman is not speaking to the question.

Mr. REYNOLDS. We will not receive pay, provided our people are not taxed. If the gentleman will accept an amendment to the effect that our counties shall not be taxed, we will take no pay for our services.

Mr. HINDS. I suppose, of course, every gentleman who votes against taxation will vote against, and refuse to receive, any pay. If that class of gentlemen think ten dollars per day is too much, let them receive as much as their services are worth. If they object to the Constitutionality of the whole proceeding, they will of course object to receiving any sum whatever.

I withdraw the amendment, so far as the amount is concerned, and propose to increase the amount to twenty dollars per day.

After some discussion as to the parliamentary aspect of the question before the Convention,

Mr. HINDS withdrew the proposition to fix the per diem of members during actual travel at twenty dollars per day, and renewed his amendment fixing the same at eleven dollars.

Mr. MONTGOMERY moved to amend the amendment by striking out the word "eleven," and inserting, instead thereof, the words "two and a half." [Laughter.]

Mr. SMITH offered the following substitute:

Resolved by this Convention: That members of this body be allowed eight dollars per day, including the time necessarily spent in coming to and returning from the place of meeting; that the Secretary be allowed twelve dollars per day, the Assistant Secretaries, Chaplain, and Sergeant-at-Arms, be allowed eight dollars per day; that the Assistant Sergeants-at-Arms, Doorkeepers, and Postmaster, shall receive six dollars per day; that the Pages be allowed three dollars per day, and that the President receive double the per diem of members. The mileage to be that established by law for members of Congress, the distance to be computed by the usually travelled route.

Mr. McCOWN moved that the substitute be rejected. [Merriment.]

Mr. BROOKS. I hope that we are through with our music, now, and that we will settle down to sober business. I think the substitute is substantially what should be adopted. When the Ordinance was before the Convention, I, with another member, voted constantly, as long as we had the opportunity of voting——

Mr. McCLURE rose to a point of order. An amendment being already before the Convention, and an amendment to that amendment having been submitted, the substitute was not in order.

The PRESIDENT decided the proposition of the gentleman from Phillips [Mr. SMITH] to be in order, as a substitute for the amendment pending.

Mr. BROOKS continued, in substance as follows: I was about to say, sir, that when the question was pending, before the Convention, upon the adoption of the Ordinance, two of us voted for what is, in substance, presented in the present substitute,—eight dollars per day for members, and, as nearly as we could get at it, mileage to correspond with what is now proposed, namely, a per diem for members, covering their time from the date of leaving their homes to that of their return to their business, and twenty cents per mile for expenses, the amount established by law for members of Congress, and about what is usually appropriated for such purposes in all well-regulated legislative bodies throughout the country. It is wholly unnecessary for us to be fastidious, or morbidly sensitive, in regard to these questions. We have to meet and dispose of them as business. I think that the amount now proposed is about what we should vote ourselves. Then, with respect to the officers of the Convention. While we cannot propose to adjust with the nice accuracy that we should use in a private business transaction, the compensation of these gentlemen, I think the sum proposed about corresponds with that proposed for ourselves. And whatever may be said with respect to Buncombe, or bombast, or electioneering—all of which, I suppose, enter more or less into the discussion of every matter of this kind,—I hope that no gentleman will allow such considerations in any manner to control his vote. Let us deal with the question calmly and soberly, and facing all the facts. If the country were in a prosperous condition, if the crops of the last season had been abundant, if they had commanded an ordinary price, we should have been justified, without regard to what captious persons among our constituents would say, in voting ourselves ten dollars per diem. That would not be very extravagant, and, under any circumstances, only fair pay. We may not receive pay in current funds, but may have to pay a small discount upon the Treasury warrants, or whatever we may receive. I believe, however, that if we pursue a prudent, economical course, we shall, in a few days, receive our pay from the Treasury. But suppose we should be compelled to take paper and discount it at a small percentage. I submit whether we cannot well afford to pay a small discount on eight dollars per day, including the time spent in coming to and returning from the Convention,—we drawing, at the same time, mileage at the rate of twenty cents per mile. I think I am quite disposed to do as well for myself and my family, at all times and under all circumstances, as I can with honor and consistency; and I subscribe to the doctrine taught in Holy Scripture, that the laborer is worthy of his hire. I would gladly see these honorable gentlemen—whose services are valuable—well paid for their labors. But I say, honestly, sincerely, and conscientiously, before God and before my constituents, I think we ought to be content with eight dollars per day, and twenty cents per mile. Of course, if this and similar amendments shall be defeated, and we are shut up to the necessity of voting for or against the Ordinance, and either voting for a larger sum than I have named, or depriving of all pay these honorable gentlemen, many of whom are sorely pressed for funds, we shall vote for the Ordinance. We are not factious. I am not. I know many gentlemen who think with myself, and who will vote with me in favor of that substitute; and that not for Buncombe, or for any purpose of faction, but for purposes of economy, of the public good,—for the interests of the tax-payers of Arkansas. We do it in the interests of the Constitution which we propose to submit to the people; we do it in the interest of reconstruction, of civil government, of good order, and of the peace and prosperity of the State. I love money as well as any man can love it consistently with duty; but I do not love it well enough to accept more than is consistent with duty. I do not mean that I have such a sensitive conscience upon the subject that I cannot accept ten dollars per day in case the judgment of the Convention, thoroughly elaborated and matured, shall be that ten dollars per day is the proper compensation for our services. Of course I shall accept that decision; I have not that morbid kind of conscience which would lead me to do otherwise. But I think we ought to be content with eight dollars. If we do suffer a little "shave," we shall still get along very comfortably. There are many gentlemen here who have planted cotton in Arkansas during the last two or three years; and eight dollars per day is a very gentle "shave" to men who have lost forty or fifty thousand dollars per year. I do not mean to advocate any proposition which will not, under all circumstances, afford a fair compensation. But, gentlemen,—brethren!—let us, in the interests of our constituents, in the interests of our State, in the interests of reconstruction—let us be consistent with our duty to the people, when our constituents are crying for bread! Let us be content with eight dollars per day and twenty cents mileage.

After some discussion upon the parliamentary aspect of the question before the Convention,

The PRESIDENT stated the question before the Convention to be upon the rejection of the substitute offered by the gentleman from Phillips [Mr. SMITH].

Mr. SMITH. The gentleman from Desha [Mr. SIMS] suggests to me that the substitute be amended, by providing that none but members of the Convention receive mileage.

The PRESIDENT. The question is upon the rejection of the substitute; and no amendment relating back to the substitute will be in order.

Mr. MONTGOMERY favored the motion for rejection. Some members might be able to attend the session of the Convention and pay their own expenses; he could not. If, however, the members were to be paid for the time actually consumed in travel, he wished to state that he had started from home about two weeks before the Convention met. [Laughter.]

Mr. McCOWN suggested that, should the substitute be adopted, there was nothing to prevent a member, so that he started from home, taking a circuit of five thousand miles to reach the Convention, and charging for his time accordingly. He did not question the entire sincerity of the gentleman from Phillips [Mr. Brooks], in his expressed views upon the subject; but that gentleman was very differently situated, in regard to his facilities for travel, from members who came from the interior of the State. As to the idea thrown out by other gentlemen, that their people must be taxed for the payment of compensation to members of the Convention, he would remark that the tax was already levied, and the reception, by members, of their per diem, would be carrying the money back to their constituents. If to reduce the per diem would reduce the tax, he would be in favor of the measure; but it would have no such effect. The tax would be levied in any event, and he wanted to carry some of it home with him. Besides, under the peculiar surrounding circumstances, the scrip that might be received might be brought down to fifty cents on the dollar, or twenty-five. If the Convention should succeed in obtaining money from the Treasury, the matter could be reconsidered, and the per diem reduced.

Mr. CYPERT. I have no motion or proposition to offer. The remarks of the gentleman from Pulaski [Mr. Hinds] seem to me very remarkable; and it occurred to me, from what he said, that it had probably been in the minds of this Convention to ravish us with some money,—since he thought it necessary to provide that we should not be ravished with it, against our wills. When it comes to poking money upon me, I think I shall be like the ancient ladies in the storming of the city, who, after a sufficient time, in their apprehensions, had elapsed, for outrages to commence, asked when the ravishing would begin. Whenever you undertake to ravish me with money, I expect I shall take it! [Much laughter.]

Mr. HODGES, of Pulaski. So far, I have had nothing to say upon this subject. But this matter may be of more importance than some of us think. I am in favor of the substitute. I believe there is no gentleman here, who, upon that basis, will not have his expenses paid, and something more; and I think the mileage proposed is quite equal to any ever paid,—that is, when you take into consideration that you are paid, from the day you start from home, for the whole time necessarily occupied in travel. The substitute would certainly not permit any gentleman who needs but three days to come here, to occupy two weeks in the journey, unless his conscience is very greatly stretched.

Mr. LANGLEY. I am honestly of the opinion that eight dollars a day is not too much. I am as conscientious as any man in this house. I believe my constituents are willing to pay me for my expenses here. Millions of dollars have been spent; and I believe that we have a just right, now, to be paid our dues from the Treasury. We have already been at considerable expense. We have canvassed our counties, and have done so at our own cost. It does seem to me that ten dollars a day is little enough. I do not consider it anything like extortion; nor do I believe that it will injure us with the people. I make these remarks only to let people know that I conscientiously believe we should be paid. I shall vote against the substitute.

Mr. MALLORY. I am in favor of the substitute, except so far as mileage is concerned. I start out on this broad proposition—that ten dollars a day will pay the expenses of any man in this Convention. The honorable member from Lafayette comes here in four days. He travelled night and day to reach this city; and the wording of this substitute is such that it allows him one day for every ten hours that he may travel—such being the law of the State. I am not in favor of any measure which proposes to pay to any one member of this Convention four hundred, three hundred, or two hundred and fifty dollars more than to any other member. By the Ordinance, as it was originally drawn, gentlemen could take any route they saw fit, and be paid for it. As the substitute now stands, a member is paid enough, for his per diem alone, to reimburse his entire expenses of travel.

Mr. BROOKS. The amount per diem, as proposed by the substitute, is eight dollars.

Mr. MALLORY. I am in favor of the substitute; but I would say that the probability is, that we cannot unite, in one Ordinance, provisions which will accord with the personal feelings of all of us. This is, probably, as near as we can get at it, and constitutes a kind of compromise between the various views entertained by gentlemen on this floor. I hope, therefore, that the Ordinance will be voted down, and that the substitute will pass.

Mr. HINDS. I think I can make the substitute proposed rather popular, by adding to it a proviso—if the gentleman [Mr. SMITH] will allow me——

The PRESIDENT. It is not in order to offer a proviso, at this time.

Mr. HINDS. I asked the consent of the gentleman.

The PRESIDENT. It is not in order, even with his consent, at this time.

Mr. BROOKS asked for the yeas and nays.

The yeas and nays were ordered.

The question was then taken upon the motion to reject the substitute; and it was decided in the negative,—Yeas 29, Nays 37, as follows:

YEAS: Messrs. Belden, Coates, Cypert, Duvall, Exon, Harrison, Hawkins, Hinkle, Hollis, Hoge, Houghton, Langley, Mason, Matthews, Merrick, Montgomery, McCown, McClure, Moore, Oliver, Rawlings, Samuels, Scott, Walker, Wilson, White, Williams, Wyatt, and the President—29.

NAYS: Messrs. Beasley, Bell, Brashear, Brooks, Corbell, Dale, Evans, Gantt, Gray of Jefferson, Grey of Phillips, Hatfield, Hicks, Hinds, Hodges of Crittenden, Hodges of Pulaski, Hutchinson, Kyle, Mallory, Misner, Millsaps, Murphy, Norman, Owen, Poole, Portis, Priddy, Puntney, Rector, Reynolds, Rounsaville, Sams, Shoppach, Sims, Smith, Snyder, Van Hook, and Wright—37.

So the Convention refused to reject the substitute.

Pending the call of the roll,

Mr. HATFIELD asked to be excused from voting.

Objection being made,

Mr. HATFIELD voted No.

The vote was then announced, as above.

Mr. HINDS then moved, as an amendment to the substitute, the addition of the following:

Provided, No member be required to take his pay or mileage if he is in doubt as to the constitutionality or legality of the proceedings of the Convention.

Mr. COATES. I move, as an amendment to the amendment, that we compel these gentlemen to take the money. [Much laughter.]

Mr. WILSON moved that both the amendment, and the amendment to the amendment, be rejected.

The question was taken; and the motion was agreed to.

Mr. WILSON. I move to amend by substituting, for the whole proposition before the Convention, the Ordinance adopted yesterday.

The PRESIDENT. The motion cannot be entertained. That question has been settled. The question before the Convention is upon the adoption of the substitute for that Ordinance.

Mr. MALLORY moved the previous question.

The vote was taken on the question, "Shall the main question be now put?" and the motion was not agreed to,—Ayes 28, Noes 30.

Mr. McCLURE asked for the yeas and nays.

The yeas and nays were ordered.

Mr. KYLE. I have heard it suggested that the Reporter is not provided for. Is he provided for in that substitute?

The PRESIDENT. It is too late, now, to modify the proposition before the Convention.

Mr. McCLURE. I find this is not an ordinance, but a resolution.

The PRESIDENT. It was passed with the understanding that it was an ordinance.

The question was taken; and it was decided in the negative,—Yeas 29, Nays 37, as follows:

Yeas: Messrs. Beasley, Bell, Brooks, Corbell, Dale, Evans, Gantt, Gray of Jefferson, Grey of Phillips, Hatfield, Hicks, Hinds, Hinkle, Hodges of Crittenden, Hodges of Pulaski, Mallory, Misner, Moore, Norman, Owen, Priddy, Reynolds, Rounsaville, Shoppach, Smith, Van Hook, Walker, White, and Wright*—29.

Nays: Messrs. Belden, Brashear, Coates, Cypert, Duvall, Exon, Harrison, Hawkins, Hollis, Hoge, Houghton, Hutchinson, Kyle, Langley, Mason, Matthews, Merrick, Millsaps, Montgomery, Murphy, McCown, McClure, Oliver, Poole, Portis, Puntney, Rawlings, Rector, Sams, Samuels, Sarber, Scott, Sims, Snyder, Wilson, Williams, and Wright*—37.

So the Convention refused to sustain the call for the previous question.

Mr. MONTGOMERY obtained the floor, to speak to the question of the adoption of the Ordinance.

The PRESIDENT. The Convention has decided that the main question shall not now be put, which disposes of the Ordinance for this day.

Mr. HODGES, of Pulaski, questioned the correctness of the decision of the Chair.

The PRESIDENT. The Chair will refer the gentleman to the authorities.

Mr. HODGES, of Pulaski. I would respectfully insist that there are plenty of precedents to the effect that the decision of the Convention, upon the motion for the previous question, leaves the main question still before us. The rule, as stated by the President, held formerly.

Mr. MONTGOMERY. I call the attention of the Convention to the fact that the proposition submitted in no way provided for the compensation of our services; it only provided for our pay in coming and returning.

Mr. SMITH. If that be the true construction, then I know nothing about language.

ADJOURNMENT.

Mr. MALLORY moved that the Convention adjourn.

Mr. BROOKS. I hope we may not adjourn. I should very much like it if the Convention would consider the subject which was brought forward in the Report of the Committee on the Relief of the Poor.

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* By manifest inadvertence, Mr. Wright's name is in the Journal recorded and counted both among the Yeas and the Nays. It may, in one or the other instance, have been confounded, in making up the record, with the name of the President.—Reporter.

Mr. CYPERT moved that the Convention resolve itself into Committee of the Whole, to take into consideration the Report of the Special Committee appointed to prepare and present a memorial to the Congress of the United States, asking relief for the suffering poor of the State of Arkansas.

The question was taken; and the motion was agreed to.

COMMITTEE OF THE WHOLE.

The Convention accordingly resolved itself into Committee of the Whole [Mr. MALLORY in the Chair], and proceeded to the consideration of the Report of the Special Committee appointed to prepare and present a memorial to the Congress of the United States, asking relief for the suffering poor of the State of Arkansas.

Mr. BEASLEY. If I am not out of order, I would simply urge the necessity of settling this question of compensation, to-day.

Mr. GANTT rose to a point of order. Under the decision of the PRESIDENT, that question could not be further acted upon during the day.

The CHAIRMAN. The point is well taken. The matter is disposed of.

Mr. BROOKS. I would ask to have the Report on Relief presented to the Committee of the Whole, as a basis for our reflections and action.

The SECRETARY read the Report, as follows:

REPORT OF COMMITTEE ON RELIEF.

Your Committee have elicited the following facts. In many of the counties large numbers of persons are severely pressed for food, being well-nigh destitute of meat. In other counties, where the crop of the last season consisted chiefly of cotton, startling destitution prevails. Gaunt famine stalks abroad! the people are crying out for bread. They are ready and willing to labor, but employment cannot be obtained. The usual agencies, county courts and public benevolence, seem quite insufficient to meet this crying demand for the necessaries of life.

Your Committee have thus far been unable to reach any satisfactory conclusion as to the most efficient scheme for meeting this exigency. They therefore ask that this brief statement of the situation be submitted to the consideration of the Convention, in Committee of the Whole.

JOSEPH BROOKS,
Chairman.

Mr. CYPERT. The Committee, in investigating the question of relief for the suffering poor, had before them a number of persons, from different parts of the State, giving information in regard to the destitution in their particular localities; and we attempted, amongst ourselves, to arrive at some practicable plan of relief. We found it, as the Report indicates, very difficult to reach any conclusion generally satisfactory; and we desire to have the assistance of all the members of the Convention, in order to the selection of a practical plan for the accomplishment of the object. Many plans might be adopted, looking to the future; but we could hit upon none affording immediate relief. Several were suggested, looking to the construction of some permanent public work in the State, to supply such as may be able to labor, with labor, and to afford them necessary provisions. But these plans, as I have intimated, were calculated to afford no immediate relief—it would take too long to get a plan of that kind in operation. Another suggestion was made,—which occurs to me as the most feasible,—that we issue an address to the people of the several counties, requesting the county courts, under the provisions of our statutes as they now stand, to provide, by lease or purchase, quarters sufficient, contiguous to farms, and put an overseer, or commissioner, of the poor, upon the farm, to receive all such as have no means of subsistence, yet are able to work,—furnish them, upon that farm, with such labor as may be necessary to carry on the farm,—the farms being managed under the supervision of the counties respectively. Our statute, as it now stands, would warrant this proceeding, including the purchase or lease of a farm or farms, and quarters, sufficient to supply the wants of the poor of each county; it being attempted to make each of these establishments, as far as possible, a self-sustaining institution. We have ascertained that there are some little means belonging to the Freedmen's Bureau in this Division; but these are not, alone, sufficient for more than a short time. What funds there are, might be distributed, under the direction of the Assistant Commissioner of the Bureau, to the counties most destitute, in order to enable them to get into operation the plan I have suggested.

These different plans were discussed; but none of them were entirely satisfactory to the Committee. I offer this as the most feasible one that, in conversation on the subject, has occurred to me.

Mr. BOWEN. I do not believe it would be possible for the Committee of the Whole to fix upon any plan that will arrange this matter properly, without the intervention of some other committee. I think the adoption of the proposition of the gentleman from White [Mr. CYPERT] would be inexpedient; for I do not believe the plan to be available at this time. I do not believe anything can be done, in that way, that would keep people from starving to death. It would take some weeks to put the plan in operation; and I am clearly of opinion that there is but one practicable method of achieving the object sought, and that is, to put our hands in the Treasury, lift out the money, and appoint suitable agents to relieve the wants of people. I therefore propose this resolution:

Resolved: That the Committee recommend that the Committee on Finance be instructed to report measures for giving State aid for the immediate relief of the poor, without regard to color.

If there is any hesitation whatever, these people are lost. Any delay will be ruinous to them,—and to ourselves, for they constitute the laborers of the State. I hope the matter will be referred to the appropriate committee, and acted upon immediately. We ought not to be unwilling to spend a few dollars of the State's money, at this time, to relieve the wants of its starving people.

Mr. CYPERT. I hope gentlemen will afford us a general expression of their views. A part of the particular motive which the Committee on Relief had in bringing this matter to the consideration of the Committee of the Whole, was, to elicit, from all members present, all the plans that might suggest themselves. The question is an urgent one, and ought to be met in some way. It was urged upon the Committee, that should a provision be made for the support of able-bodied persons in destitute condition, unless through the proceeds of their own labor, we should encourage idleness. Consequently, the plan that I have just rehearsed, suggested itself to me,—that each county should lease a farm, and place upon it such able-bodied persons as would be required to till it,—retaining their labor for the next year, as a security for the expenditure required in the purchase of necessary provisions. Scrip can be issued, and the county would be good for it,—at some time. It is only at the present time that money is needed. It was, as I have said, suggested that able-bodied persons would take advantage of any charity which might be bestowed, to obtain an indolent living. That many able-bodied persons are now suffering because they cannot get work, is certain; and they must be provided for; but they should be so provided for that they may labor. There are others who are not able to work. Let the course which I have indicated be taken; and then the means necessary may be advanced, until a crop can be made.

Mr. WILSON. I was in the committee-room, a little while, the other evening, and, from the suggestions which I then heard, I adopted, in my own mind, pretty much the views which have been suggested by the gentleman from White [Mr. CYPERT.] I was much pleased with the suggestion of Mr. GORDON, of Iowa, who said that all appropriated here would go, actually, to the benefit of the poor, and that the system of establishing farms, in each county where the indigent and helpless are congregated, would be establishing depots where provisions could be directed, and where they would be properly distributed and used, instead of being squandered by worthless persons loafing there, and doing nothing. I think the idea suggested by the gentleman from White [Mr. CYPERT] is an excellent one, and could be carried out in every county.

Mr. BOWEN. I have serious objections to the plan proposed by the gentleman from White [Mr. CYPERT.] As I understand it, he proposes that his plan shall be carried out by the issue of county scrip, and that the counties shall pay the requisite expense. Now, there are counties where none of the parties who are in need of assistance live. There is no disguising the fact that the freedmen are the parties chiefly to be relieved. Upon the plan proposed, the counties which the freedmen have abandoned will be relieved of all expense, and the whole charge, nearly, will come upon the loyal men of Arkansas. (Not that I design to place the charge of disloyalty upon any party; but it is understood that at this time parties are divided upon the question of reconstruction; and one party is considered as disloyal, because they oppose the reconstruction of the South.) The man who dances ought to pay the fiddler; and my proposition is, to accomplish the end, not through the action of the counties, but by that of the whole State; and then those counties where the freedmen do not live will be compelled to pay their just proportion. I suppose there is no gentleman in the State, even of those who do not belong to the Republican Party, who will undertake to say that its opponents are not to some extent responsible for the present necessities of the State; and it is only just that this money should be taken from the State Treasury. For instance, in Sebastian, Crawford, Franklin, and one or two other counties, the mass of the Republican Party—or the Union Party, if you particularly desire to keep politics out of the question—reside. They will be called upon to pay the whole bill. Now, the simple fact that gentlemen do not consider this question of freedmen in the same light that we do, constitutes no reason why they should be relieved from part of the expense. I hope that no such plan will be adopted. I hope, on the contrary, that the money will come from the State Treasury. I, for one, am prepared to take up my line of march in that direction; for there is money in the Treasury, and I would not hesitate to run my hand into the Treasury, for this purpose. It is like casting bread upon the waters, which will return after many days.

Mr. DUVALL. We have, already, laws which require the counties to assist their poor; and if we can do that, let the State assist. But I am entirely unwilling to go into the State Treasury and take out money to present to any man that is able to labor. Should we do this—I don't *think* anything about it,—I *know*,—human nature is such that it will shrink from work when it can get a living without work. I am fully satisfied that the course proposed would encourage idleness. There is labor enough for every man to do, if he will go at it, and labor for a fair compensation. It is no excuse for not laboring, that he cannot get three, four, or five dollars a day. I have labored, many a day, for twenty-five cents a day. I would do it now, rather than be thrown on the County or State. I wish to see all supported by the County or by the State, who are not able to support themselves; but I am utterly opposed to supporting any man, white or black, that *is* able to support himself.

Mr. BROOKS. I have been very anxious that we should avoid any friction of any kind, upon this subject, and that we should, by our united counsel and labors, be able to reach something in the way of practical and immediate relief for those that are suffering for bread. I fully appreciate the views, and concur in the sentiments, of the gentleman from Lawrence [Mr. DUVALL], so far as the general proposition of the necessity of men working for bread is concerned. I subscribe to that declaration of the Bible, that in the sweat of man's brow shall he eat his bread. But, sir, of course, the fact is not known to the honorable gentleman from Lawrence —I suppose the fact does not exist in his section of the State—but in many of the large-planting counties, where cotton has been grown almost solely, there are hundreds and thousands of persons that cannot procure labor, anywhere within reach, or procure subsistence for their labor—industrious men—good men—as good working men as there are in the State of Arkansas, or any other State, to my certain, personal knowledge—ready to work, and to work twelve hours, and, if that will not do, fourteen hours, of the twenty-four, for simple food, and shelter and clothing enough to keep them from the storm.

Now, without dwelling elaborately upon the subject, these are the facts —facts known to gentlemen and citizens of the Convention, here, from a number of River counties. In some places greater suffering exists than in others; perhaps, in Arkansas County is the most pressing demand for relief. I know that in other counties men are reduced to the situation I have described. Men were turned out, at the close of 1867, without being able to pay, out of their part of the crop, their necessary current expenses; and this in cases where the best energy and skill was brought to bear in superintending the plantations, and where the hands worked faithfully and honorably—and I think I am a good judge of what is good work on a farm, or a plantation, as my friend from Lawrence doubtless is. I know what an honest, earnest, faithful, laborious day's work is. And I know that there are men, white and black, in the River counties, who have worked hard, and lived with the most rigid economy, that are in the condition I have described. I know of cases where the entire bill of the hands, on a plantation, has not ranged above one dollar, or one dollar and a quarter, a month, each, throughout the year, for the subsistence of their families; and where their clothing-bill has been exceedingly small, if it amounted to anything whatever: and yet the crop was sold at the present price of cotton. This, too, in cases where they have been honestly settled with, and have been superintended by the best skill in the country. This state of things has not been peculiar to men from the North. It has been said that we do not understand the raising of cotton, and cannot bring up crops. Having, myself, personally superintended a plantation of fifteen hundred acres, and made, myself, eleven bales of cotton, just for an experiment (I did not pick it, of course, but did all the remainder of the work), I think we can make pretty good hands at the business, after all. But in many cases where the superintendents have been Southern men, and faithful work has been done, the rains, the extreme cold, the destruction of the crop by insects,—all these apparent providences against the crop—and then the fall in the price of cotton, down to six, eight, or nine cents per pound, have more than taken away all the profits of the labor. I know a man who planted seventy-five acres, worked four mules and employed eleven hands—he made seven bales!

The first, in Phillips County, to cry for bread, of whom I had any knowledge, were white laborers. Under such circumstances, working for one-half the crop, men could but come out unable to pay for their rations and their very scant clothing for the season past, to enter upon this new year, with the storm, and snow, and pelting sleet, and cold, without one week's rations, or a comfortable suit of clothes. Men that I *know* will work—I know they *have* worked, for three years, on a plantation, with us—and as good and true men, in those respects, as ever took hold of a plough or hoe, or tended a cotton-gin—hundreds of these men are in the condition I have described. I know there are portions of the State where, if they were there, these men could get good and comfortable homes, and subsistence, with small wages. But they are not there; and it is very difficult to induce many of them to move away and go to those places, even if they had transportation. Still, these objections might be overcome; but where is their transportation? And whilst we are casting about for the transportation—whilst we are taking preliminary steps, and seeking ways and means,—they are starving to death.

Mr. WALKER. I must enter my protest against the plan proposed by the gentleman from Crawford [Mr. BOWEN.] I am opposed to holding out a bid to idleness. I am opposed to encouraging idleness in any class. I have been in this room, in my seat, every day since the organization of this body: I have noticed, in that gallery, negroes, as many as there are to-day. They are here every day, while white men are out on the streets, and attending to their usual business matters. It may be that these colored men can afford this. Certainly they can afford it if we are to dive into the Treasury, and, as the gentleman says, pull out greenbacks, to support them. They can then afford to crowd those galleries, in idleness. Look at the poor people of the North—working at three, four, and five "bits" a day—yes, four "bits" per day is high wages. So can these people do. I am not more in favor of oppressing the negro than the white man. It is time for *all* men to go to work—white or black. I am opposed to any premium on idleness; and I think that will be the only effect of the adoption of the proposition of the gentleman from Crawford.

Mr. HODGES, of Pulaski. I am not fully aware of the precise question before the Committee, but feel it necessary to say a few words in reference to the remarks of the gentleman last upon the floor [Mr. WALKER.] I suppose that the gentlemen who choose to visit our galleries are not asking us for assistance; and I suppose that any citizen has the right and the privilege of coming to our gallery and looking on,—whether he be white or black,—to see what the servants of the people are doing; especially where they have interests at stake, and feel an interest in the proceedings.

Mr. WALKER. Will the gentleman allow me to interrupt him? I did *not* say that the colored gentlemen in the galleries had not the right to be there. They have the same right as any white man, to come here. You misunderstood me, sir.

Mr. HODGES, of Pulaski. I was going to say that it may be that some of those colored gentlemen in the galleries are better able to sit there than we are, for what I know. Some of them have money in the bank, and do not ask us for assistance. But there are men, both white and black, in the State, who need assistance. There may be such in the gallery; but if they cannot get work, I presume they can spend their time there as profitably as anywhere.

Mr. GREY, of Phillips. I have a word to say upon this subject; it is one which I deem of importance to the interests of the people at large. There are two things necessary, in any country,—capital and labor. The capital of this portion of the country has vanished like the baseless fabric of a dream; there is little of it left. Hence, there is now a surplus of labor. Under the old Roman Law, I believe, it was held that all men belonged to the State, to a certain extent, and were needful to the State; and I think the idea is not yet extinct, in this Republic. No matter what may be a man's color; every man knows that if he is to work a farm or plantation, he needs labor, and must have it. I understood the object of our consultation this afternoon, to be, to give relief to men actually starving. It is said that able-bodied men are in a starving condition; and that, not by their own fault. There is no chance that these men will not be able to repay what may be advanced to them for their subsistence. If there were a class of idlers to be provided for, there would be some excuse for hesitation. I was desirous that some plan might be devised for immediate relief. But for assistance in the future, I expect that application will eventually be made to the Government of the United States, for charity; and I was going to protest against the payment of one cent from the Government of the United States, unless it should go to *locate* every man. We want to be "harnessed to the soil," and, like the races who have fancied themselves sprung from the soil, to feel ourselves a permanent belonging of it. I hope there is sufficient generosity and humanity in the people of Arkansas, if it be possible to do anything—and I believe there are brains enough, here, to do it, and that is one reason why I did not wish to participate in the debate—I hope there is sufficient humanity to induce them to provide some means for the subsistence of the suffering. I think the matter is in their hands. They hold the real estate in their hands; and I think it at once a duty, and feasible, for them to step in between these people and starvation. I think the voice of humanity, the voice of religion, the voice of God, call upon the State to do this, and to do it promptly. If we do not, this page of our country's history will be written against us—against these gentlemen who had it in their power to assist, but who, in the language of Scripture, when they were asked for bread, gave a stone. I admit there is not so great an abundance in the State. But if any organized action shall be taken, on the part of the people of Arkansas, I doubt not that assistance can be had from other quarters. There are men, in this country, of large hearts and abundant means; and they can make themselves a noble record—if not written on earth, at least it will be written in heaven. The suffering is confined to no one class. I know that it is shared by all classes. I have seen suffering, among white men, that has made my heart bleed. I have seen men, in my own County of Phillips, who were too proud to ask for help, but had not eaten for days. I make no peculiar appeal in favor of my own race. Negroes can live upon as little as any one else; they can come as near being chameleons, and living on air, as any set of men on God's earth.

I think this charity should not be distributed in Little Rock, only—perhaps not here at all. There may be some suffering here; but I think the municipal authorities can take care of the City. But in the country, where the planters have no need of hands, and do not wish to begin employing them until the season for commencing the crop of next year,—there is the place of distress. If we can do anything immediately, I would be glad to see it done; and I would be glad that all should participate. But I repeat, that I do not want one cent from the government of the United States, unless it comes to locate the parties, under the Homestead Law. This principle of asking black men to work, to put money in other men's pockets, I want no more of. I have seen men fed, here, by the charity of the Government, who had raised crops from which they had never received a cent. If we are to have money, let it come in such a shape that we can pay it back, promptly and honestly, and that the Government may by that means be reimbursed for all it advances.

Mr. PORTIS moved that the Committee now rise.

The question was taken; and the motion was agreed to;

So the Committee rose,

IN CONVENTION.

And, the President having resumed the chair,

[No report being received of proceedings in Committee of the Whole]

Mr. MERRICK moved that the Convention adjourn.

The question was taken; and the motion was agreed to;

And thereupon, at 5, P.M., the Convention adjourned to 10, A.M., of Friday, January 24th.

FIFTEENTH DAY.

FRIDAY, *January 24th*, 1868.

Convention met at 10, A.M.

Prayer was offered by the Chaplain.

The roll was called; and the following members answered to their names:

Messrs. Beasley, Belden, Bell, Brashear, Brooks, Coates, Corbell, Cypert, Dale, Duvall, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hodges of Crittenden, Hodges of Pulaski, Hoge, Hollis, Houghton, Hutchinson, Kyle, Langley, Mallory, Mason, Matthews, Merrick, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Moore, Norman, Oliver, Owen, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Reynolds, Rounsaville, Sams, Samuels, Sarber, Scott, Shoppach, Sims, Smith, Snyder, Van Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President.

SICK: Messrs. Bradley and Johnson.

A quorum of the members of the Convention having answered to their names:

The Journal of the preceding day was read and approved.

NAVIGATION OF ARKANSAS RIVER.

No petitions, memorials, or notices being presented, and

Reports of Committees being in order,

Mr. HINDS, from the Committee on Memorials and Ordinances, to whom was referred the Memorial to Congress for the improvement of the navigation of the Arkansas River, reported by the Special Committee appointed to draft the same, reported back the Memorial, without amendment, as follows:

A MEMORIAL TO CONGRESS FOR AN APPROPRIATION OF MONEY FOR IMPROVING THE ARKANSAS RIVER, FROM ITS MOUTH TO FORT SMITH.

To the Honorable, the Senate and House of Representatives, in Congress assembled:

Your memorialists, the Constitutional Convention of the State of Arkansas, respectfully represent that the Arkansas River, during the season of low water, is so obstructed by snags and sand-bars as to render the navigation difficult and hazardous, but that by the appropriation and proper outlay of a small sum of money, the said river, between the points designated, could be rendered navigable during the entire season, and would open a thoroughfare of inland communication to a rich agricultural district, facilitate the transportation of the mails, and afford to the settlements embraced in the country tributary to the Arkansas, the speedy development of the various resources of that section of the country, abounding in lumber, agricultural, and mineral wealth, besides affording facilities for reaching the trade and exchange of the Indian country west, and affording to the Government a more speedy access to that region.

Your memorialists, therefore, ask that an appropriation of one hundred thousand dollars (100,000) be made for the improvement of said river. And your memorialists will ever pray.

Mr. BROOKS moved that the Report be adopted.

Mr. PORTIS moved to amend by inserting in the Memorial a prayer for the improvement of the navigation of the Ouachita River.

Mr. BROOKS. I hope we will not "tinker" this Report. There are a number of rivers, in this State, that we would like to see improved. But if we start out with amendments, we shall, of course, amend so as to include, in turn, all rivers. The result will be, that we might just as well not memorialize at all. If we confine ourselves, as is contemplated in this Report, to a single river, traversing the State from east to west, through its centre, and passing its Capital, we shall have a reasonable prospect of success. If we proceed to attach, to the Memorial, amendments embracing the Ouachita, and all the other rivers of the State, navigable in high water, the practical effect of such amendments will be, to ride down, and ride out of the halls of Congress, the whole memorial, without producing a ripple upon the surface. If we confine ourselves to this single river, in which all portions of the State are interested,—rest the application there, and back it up as we may do,—we shall probably succeed. I hope, sir, we shall not lumber the Memorial.

Mr. McCOWN. If the gentleman from Ouachita [Mr. PORTIS] will permit me, I will suggest an amendment to his proposition. Inasmuch as the gentleman from Phillips [Mr. BROOKS] wants only one river mentioned in the Memorial, I will move to amend by striking out the words "Arkansas River," wherever they occur, and substituting, instead thereof, the words "Ouachita River." The gentleman from Phillips seems to think there is but one river, that amounts to anything, in this State.

Mr. PORTIS. I hope that this motion will not disturb the action of the Convention. If there is any river that needs such an appropriation as is asked, it is the Ouachita. We in the southern part of the State raise more of the great staple, and we have more need of navigation, there, than any portion of Arkansas, or as much. We have been in the habit of shipping forty-five to fifty thousand dollars' worth of cotton. It would not require a large appropriation to assist us, so as to make the river navigable. We are dependent upon that river. We have no railroads, and we have no means of access to markets, except one hundred and ten miles of the river. We have failed in our whole supply of provisions from other parts, by reason of the low stage of the river. My amendment is not intended to ride down the Memorial.

Mr. BROOKS. I hope I was not understood as indicating that the gentleman from Ouachita [Mr. PORTIS] designed to weigh down the Memorial. I did not intend any such reflection, nor did I intend to say we did not desire the improvement of the Ouachita River, and of all other rivers. I simply meant to take a practical, business view of the subject. Of course we should very much like to have the St. Francis River improved. In that river I am more locally interested than in the Arkansas. I have no local interest, whatever, in the improvement of the Arkansas River, more than has the gentleman from the southern portion of the State. I *am* interested in the St. Francis, and the Languille, and other streams in the same section. Other gentlemen are interested in the improvement of the upper White River, *et cætera*. I only meant that in the incipiency of a matter of this kind, it was better to try to do one thing at a time,—to undertake something that we have some prospect of accomplishing, and not to undertake that in which we must, of necessity, utterly fail, and destroy, at the same time, all hopes of success in that which, not thus encumbered, would produce some practical benefit. If we can now proceed to secure the improvement of this river, in which there are no local interests beyond what exist in connection with every river, but in the improvement of which the whole State is interested, and equally interested, then we can hereafter proceed to improve the navigation of other streams. If we now attempt to accommodate sections, and endeavor to secure the improvement of all the rivers in the State, we shall certainly fail in accomplishing anything. I meant to raise no factious opposition to the efforts of the gentleman on behalf of the improvement of the Ouachita—none whatever.

Mr. HINDS. One word in relation to the remarks of the gentleman from Ouachita [Mr. PORTIS.] It will be readily seen, from a perusal of the draft of the Memorial, that his amendment is not applicable. We set forth, in the Memorial, certain reasons why the navigation of the Arkansas

River should be improved, and why it is the interest of the General Government to have that improvement effected, at the expense of the Government; to wit, the facilities thus to be afforded for the transportation of the mails, and for reaching the Indian country. The reasons assigned, most certainly, would not be applicable to the case of the Ouachita River. We have no objection to the gentleman offering a memorial, addressed to Congress, for the improvement of the Ouachita River. But it will certainly have the effect of defeating the very object which we seek. If we shall succeed in getting from Congress an appropriation for the improvement of the Arkansas River,—which certainly very much needs it,—if we can show that it is for the interest of the United States to secure such steady navigation that the carriage of the mails can be made speedy and sure, and communication with the Indian country more readily had, I think it is for the interest of every gentleman here, to advocate the measure.

Mr. PORTIS. I would say, in reference to the remarks of the gentleman [Mr. HINDS], that I conceive the proposition which I make, to be for the interest of the General Government. We are cut off, in our section of the State, as I have remarked, from all means of easy communication, except by the Ouachita; and the Government is now getting all its supplies, there, from Little Rock, or some other point too far off to afford a convenient or regular supply. They are almost suffering, from the cutting off of supplies, there. The mails, too, are carried on that river. I do not wish to interfere with the movement in regard to the Arkansas; I merely wish to add to it the Ouachita, in order to protect the interests of all that country.

Mr. McCOWN withdrew his amendment.

Mr. PORTIS. I desire to add to my amendment, so that the Memorial shall include, the Arkansas River, and the Ouachita River "from the Louisiana line to Camden."

Mr. HODGES, of Pulaski. I wish to say a word in explanation of my intended vote. I must vote against the amendment; but I shall be glad to vote for a memorial drawn up to cover the case of the Ouachita River. The reasons set forth here, would not be applicable, in all their parts, to the case of that river.

Mr. MONTGOMERY. I do not know that an amendment for the improvement of the Ouachita is going to damage the Memorial. I would like to see all of our rivers improved; and if I had my way, they would be all improved by being dried up and crossed by railroads. But the rivers in the southern part of the State have as much need of improvement as any in the State. I cannot see what objection there can be to adding a prayer for the improvement of the navigation of the Ouachita; and I shall vote for the amendment.

Mr. HINDS. We have no objection to pursuing the course of asking from Congress an appropriation for the improvement of the Ouachita. But there are certain reasons assigned, in this Memorial, why the Arkansas should be improved. If the gentleman [Mr. PORTIS] will prepare a memorial setting forth the reasons for that improvement, we may properly consider it; but to add the case of the Ouachita to *this* Memorial, would involve confusion. The reasons set forth in the one case are not applicable to the other; and if we place the paper before Congress, the reasons in favor of an appropriation for the Ouachita are not included. It is for the interest of the whole State to see this river improved. I have no doubt that when any gentleman shall submit a memorial praying an appropriation for the improvement of the Ouachita, I shall, at least, have no objections, to asking that, too, from the General Government.

Mr. KYLE. I regret to see so much time taken up in the discussion of this question. It certainly appears scarcely advisable, in the present impoverished condition of the country, to be asking for money for improvements in the navigation of rivers. But as an amendment has been offered to include Ouachita River, I propose to amend the amendment, by asking one hundred thousand dollars for Ouachita River. We shall then be asking one hundred thousand for each of the two rivers. The amendment, by including Ouachita River, leaves but one hundred thousand to be appropriated to the two,—which would amount to nothing.

Mr. PORTIS accepted the amendment.

Mr. HINDS. I think we may perhaps be able to settle this matter—if the gentleman will withdraw his amendment—by such a resolution as the following. We can then vote upon the proposition, in an intelligible way. It certainly would not be a very intelligent memorial, as it stands, should it be amended as now proposed.

Resolved: That a committee of three, of whom Mr. PORTIS shall be Chairman, be appointed to draft a memorial to Congress for the improvement of the Ouachita River.

I think that will satisfy the gentleman from Ouachita [Mr. PORTIS], and at the same time relieve both propositions from the embarrassment which must be occasioned by their being joined in one paper.

Mr. PORTIS. I accept the proposition, and, with the consent of the gentleman from Dallas [Mr. KYLE] withdraw my amendment.

No objection being made,
The amendment was accordingly withdrawn.

Mr. CYPERT moved, as an amendment to the motion for the adoption of the Report, that the Report be recommitted, with instructions to inquire into the expediency of memorializing Congress for Government aid in the improvement of the navigation of the Arkansas, White, and Ouachita Rivers.

Mr. HINDS. I would again suggest, that reasons are stated, in the Memorial reported, which are applicable to the Arkansas, and not to other rivers; and I think the better plan will be, to adopt the Report of the Committee as the action of the Convention in regard to the Arkansas River, and then let gentlemen propose such further memorials to Congress, in relation to improvements in the navigation of other rivers, as they may see proper. I think the Convention will be disposed to act in such a way as to attain the objects desired.

Mr. CYPERT. I wish to add, to the rivers named in my amendment, the St. Francis. I wish to include all the principal rivers in the State, and let the Memorial be reported back to the Convention, in proper form for the attainment of the object. If there is to be any special legislation here, if we are to favor one portion of the State, I want it in the shape of a report from that Committee.

Mr. BROOKS. I had hoped we might adhere to the policy wisely indicated, I think, by the honorable gentleman from Ouachita [Mr. PORTIS], in withdrawing his proposed amendments. Let each one of these enterprises be brought before the Convention, and placed before Congress, on its specific merits. Certainly, a very limited acquaintance with the political history of the West, will satisfy any gentleman that this kind of omnibus arrangement is just as certain to be defeated as that the attempt is made. That is the history, without a solitary exception, of movements of this kind in the Western States. If we really desire to defeat the entire scheme, let us pile on the Ouachita and the St. Francis, the Black and the Languille—for we have, absolutely, eight miles of navigation on the Languille, especially when the Mississippi is high, and backs it up. Let us pile on amendments, and make an omnibus matter of the proposition, and we will kill it "deader than Cæsar." Let each proposition stand upon its merits, and we may succeed. That is the way business men would act. If we want to deal with business matters in a business way, let us take that course. If we want to make political capital out of these business matters, let us go at it, and make all the Buncombe we can.

Mr. HODGES, of Pulaski. This Committee may not be familiar with the interests of each of these rivers. I am in favor of having a separate committee on the subject of each. We may then obtain such information as we need, upon each; and for one, I pledge myself to vote for the memorial.

Mr. DUVALL. I would like to have Black River included. I have a reason. If the people of this State can be benefited by the improvement of any river, it is Black River. That river is navigable to Pocahontas.

With a little improvement, it can be navigated much further. That country abounds with provisions and could greatly relieve the distress of the State if practicable means of communication were once opened. There is a plenty there, now, at low prices, if it could only be reached.

I move to amend by adding "Black River" to the list.

The question was taken on the amendment; and the amendment was not agreed to.

The question was then taken upon the amendment offered by Mr. CYPERT, that the Report be recommitted, with instructions to inquire into the expediency of memorializing Congress for Government aid in the improvement of the navigation of the Arkansas, White, and Ouachita Rivers; and the motion was not agreed to.

Mr. MERRICK moved to amend by inserting "Red River."

The question was taken; and the amendment was not agreed to.

Mr. McCOWN. I move to amend by inserting "Big Creek." [Laughter.] It runs through Columbia County, makes an outlet into some lakes there, and at last finds its way into Red River. I think it highly important that it should be inserted. [Laughter.]

Mr. BROOKS. Does the gentleman mean that Big Creek is a tributary of the——

The PRESIDENT. The Chair does not know what the gentleman means.

The question was taken; and the amendment was not agreed to.

The question was then taken upon the adoption of the Report; and the motion was agreed to.

COUNTY-SEAT OF LITTLE RIVER COUNTY.

Mr. BEASLEY, on behalf of the Committee, submitted the following

REPORT OF COMMITTEE ON BOUNDARIES

UPON THE LOCATION OF COUNTY-SEAT OF LITTLE RIVER COUNTY.

The Committee on Boundaries report back the resolution appointing Commissioners to locate the County-seat of Little River County, and recommend its passage.

Mr. CYPERT. I do not wish to oppose the gentleman's project; but the statute does amply provide for this whole subject; and if we are to enter upon such business, it does seem to me we are frittering away the time of the State. The County Commissioners are empowered to appoint Commissioners for this very purpose.

Mr. McCLURE. I am informed that this County is in a somewhat peculiar position—though I do not know how the case may stand with other counties. This one was formed by the last Legislature. Its people have no court; they are attached to no judicial district. They are, practically, without a government at all. For these reasons, I shall favor the action proposed.

Mr. BROOKS. I suppose the honorable gentleman from Arkansas [Mr. McClure] was correctly informed. If they are without organization, without courts, without government, I do not think they need any county-seat. I think that we shall do well to go quietly, and with as much sobriety as may be, with regard to these matters. I am not fastidious, as is well known, with regard to the prerogatives of this Convention; but I think we ought to see a clear necessity before taking action of this kind. The question is a purely local one; and evidently, from the statements of gentlemen here, there is no pressing necessity for action upon the subject. We hope it will be but a few short weeks before the General Assembly, under the Constitution which we shall frame here, will be within these halls; and I do think the people of this County will be able to struggle through, during this starvation period, until we can organize the proper tribunal to attend to the matter.

Mr. MONTGOMERY. I happen to know something, personally, of this Little River County. The Act of the last Legislature, to which reference is made, is partially unconstitutional. The Act placed that County in the Ninth Judicial Circuit. The existing Constitution of the State of Arkansas declares, I believe, that no circuit shall include over seven counties. Little River made the eighth county in that Circuit. It is entirely "out in the cold," as far as judicial proceedings of this State are concerned; belonging, as it does, to no circuit. Through mismanagement, fraud, and every conceivable trick, it has been undertaken to locate the County-seat in a pine-swamp. The desire of the citizens of that County, to-day, is, that the County-seat may be temporarily located at some point where there are some buildings. The County-seat, to-day, is placed five miles from any house; and nothing has been done, or undertaken, toward holding courts, or anything of the kind. Administration business, orphans' business, and everything of that nature, is going by the board, in that County; and the people have no way, unless through this Convention, of procuring any remedy for these evils. This project was organized by a set of tricksters opposed to the organization of the new County, and who desired to render null and void the action of the last Legislature. We are the only body to which the people of the County can resort for assistance in this matter; and I do not believe that we are transcending the powers of the people of Arkansas, when we direct that three men shall locate the County-seat, to remain as such until a regular organization of the County shall be effected.

Mr. CYPERT. Just as I expected. There is a local feeling; and it is deemed desirable to bring the matter, for decision, before people who have no knowledge of the facts. If there is no county court, what do they want with a county-seat?

Mr. MONTGOMERY. If the gentleman will allow me, I will correct that impression. It is an erroneous one. An election of County officers was held, on the first of this month, after the passage of the Reconstruction Act,—by the people of the County; and every person voted, whether, under the reconstruction measures, he had a right to vote, or not. That election was set aside by the military authorities, and a new election had. The result of that election we have not received. The County officers have no place for the transaction of business.

Mr. CYPERT. They have power to call for the election of Commissioners to locate a county-seat. The matter is a purely local one. If we are to legislate for the domestic affairs of that County, it has no need of a county-seat. There has been inaugurated, in our government, a system of that kind, that may be popular, and may strike the fancy of gentlemen on this floor; but I have not been used to it, and do not like it.

Mr. GANTT. I desire, only, to say, that if true, as stated on the floor yesterday, that the last Legislature was an unconstitutional and illegal body, the act creating this County is null and void, and there is no county of Little River. If there is no county, there is no necessity of establishing a county-seat.

Mr. MONTGOMERY. I will say one word further, in regard to this matter of the appointment of Commissioners by the County. That was done in violation of the Reconstruction Laws; and this is the reason why we think we have as much authority in this matter, as General Ord, or any one else.

Mr. GREY, of Phillips. It was under the representations made by gentlemen here, that I signed that Report. I was under the impression that the matter was one which belonged especially to the people of the County; but in the onerous position in which they were placed, the Chairman of the Committee informed me, it was necessary that something should be done. Presuming that to be the best means of getting at the desired result, I signed the Report to that effect.

The question being upon the adoption of the Report,

Mr. HICKS asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative,—Yeas, 32, Nays, 33, as follows:

YEAS: Messrs. Beasley, Belden, Brashear, Coates, Corbell, Exon, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hinds, Houghton, Hutchinson, Langley, Mallory, Merrick, Montgomery, Murphy, McClure, Oliver, Priddy, Rawlings, Rector, Rounsaville, Samuels, Sarber, Scott, Snyder, White, Williams,* Wyatt, and the President—32.

NAYS: Messrs. Bell, Brooks, Cypert, Dale, Duvall, Evans, Gantt, Hicks, Hinkle, Hollis, Hodges of Crittenden, Hodges of Pulaski, Hoge, Kyle, Mason, Matthews, Misner, Millsaps, Moore, Norman, Owen, Poole, Portis, Puntney, Reynolds, Sams, Shoppach, Sims, Smith, Van Hook, Walker, Wilson, and Wright—33.

So the Report was rejected.

EXECUTIVE DEPARTMENT.

Mr. SNYDER, on behalf of the Committee, presented the following

REPORT OF COMMITTEE ON EXECUTIVE DEPARTMENT.

The Executive Committee of the Constitutional Convention of the State of Arkansas, beg leave to report the following:

SECTION ONE. The Executive Department of this State shall consist of a Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, and Attorney-General, all of whom shall hold their several offices for the term of four years, and until their successors are elected and qualified. They shall be chosen by the qualified electors of this State, at the times and places of choosing the members of the General Assembly.

SECTION TWO. The supreme executive power of this State shall be vested in the Governor.

SECTION THREE. No person shall be eligible to the office of Governor or Lieutenant Governor, who shall not have attained the age of twenty-five years, who shall not have been five years a citizen of the United States, who shall not, at the time of his election, have had an actual residence in this State for two years next preceding his election, and who shall not be a qualified elector as prescribed in this Constitution.

SECTION FOUR. In elections for Governor and Lieutenant Governor, the person having the highest number of votes shall be declared elected. But in case that two or more persons shall have an equal, and the highest, number of votes, for Governor or Lieutenant Governor, the General Assembly shall by joint vote choose one of such persons. The Governor shall be Commander-in-Chief of the military and naval forces of the State, and may call out such forces to execute the laws, suppress insurrections, repel invasions, or preserve the public peace. He shall transact all necessary business with other officers of the State Government, and may require information, in writing, of the officers of the Executive Department, upon any subject pertaining to the duties of their respective offices.

SECTION FIVE. It shall be the duty of the Governor to see that the laws are faithfully executed.

SECTION SIX. He may convene the Legislature on extraordinary occasions.

SECTION SEVEN. He shall give to the General Assembly, and, at the close of his official term, to the next General Assembly, information, by Message, concerning the condition of the State, and recommend such means, to their consideration, as he may deem expedient.

SECTION EIGHT. He may convene the General Assembly at some other place, when the seat of government becomes dangerous from the prevalence of disease, or the presence of a common enemy.

SECTION NINE. He may grant reprieves, pardons, and commutations, after conviction, for all offences, except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper; subject, however, to such regulations as may be prescribed by law, relative to the manner of applying for pardons. Upon conviction for treason he may suspend execution of the sentence until the matter shall be reported to the General Assembly at its next session, when the General Assembly shall either pardon; commute the sentence, direct the execution of the same, or grant a further reprieve. The Governor shall communicate to the General Assembly, at each session, information concerning each case of pardon, reprieve, or commutation, granted, and the reasons therefor.

SECTION TEN. In case of the impeachment of the Governor, his removal from office, death, resignation, inability, or removal from the State, the powers and duties of the Governor shall devolve upon the Lieutenant Governor, during the residue of the term, or until the disabilities of the Governor are removed.

SECTION ELEVEN. During a vacancy in the office of Governor, if the Lieutenant Governor resign, be impeached, displaced, absent from the State, or incapable of acting, the President *pro tempore* of the Senate shall act as Governor, until the vacancy be filled, or the disability cease.

SECTION TWELVE. The Lieutenant Governor shall, by virtue of his office, be President of the Senate; and when there is an equal division he shall give the casting vote.

SECTION THIRTEEN. No member of Congress, or any person holding any office under the United States, or this State, shall execute the office of Governor.

SECTION FOURTEEN. The Lieutenant Governor and the President of the Senate *pro tempore*, while performing the office of Governor, shall receive the same compensation as the Governor.

SECTION FIFTEEN. All official acts of the Governor—his approval of the laws excepted—shall be authenticated by the great Seal of the State, which Seal shall be kept by the Secretary of State.

SECTION SIXTEEN. The Governor shall, by and with the advice and consent of the Senate, appoint a convenient number of Notaries Public, not to exceed six for each county, who shall discharge such duties as are now, or as may hereafter, be prescribed by law.

SECTION SEVENTEEN. All commissions issued to persons holding office under the provisions of this Constitution, shall be in the name, and by the authority, of the people of the State of Arkansas,—sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SECTION EIGHTEEN. The Secretary of State, State Treasurer, Auditor of

State and Attorney-General shall severally reside, and keep all public records, books, papers, and documents, which may pertain to their respective offices, at the seat of government.

SECTION NINETEEN. The returns of every election for Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor of State, and Attorney-General, shall be sealed up and transmitted to the seat of Government by the returning officers, and directed to the presiding officer of the Senate, who during the first week of the session shall open and publish the same in presence of the members then assembled. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and equal number of votes for the same office, one of them shall be chosen by a joint vote of both houses. Contested elections shall likewise be determined by both houses of the General Assembly, in such manner as is or may hereafter be prescribed by law.

SECTION TWENTY. The Secretary of State shall keep a fair record of all official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes, and vouchers, relative thereto, before the General Assembly, and shall perform such other duties as are now, or may hereafter be, prescribed by law.

SECTION TWENTY-ONE. The Auditor of State, State Treasurer, and Attorney-General, shall perform such duties as are now, or may hereafter be, prescribed by law.

SECTION TWENTY-TWO. In case of the death, impeachment, removal from the State, or other disability, of the Secretary of State, State Treasurer, Auditor of State, or Attorney-General, the vacancies in their several offices, thus occasioned, shall be filled by appointment of the Governor, which appointment shall be made for the unexpired terms of said officers, or until said disabilities are removed, or until elections are held to fill said vacancies.

SECTION TWENTY-THREE. The officers of the Executive Department, mentioned in this article, shall, at stated times, receive for their services a compensation to be established by law; which shall not be diminished during the period for which they shall have been elected.

SECTION TWENTY-FOUR. The officers of the Executive Department shall not be eligible, during the period for which they may be elected or appointed to their respective offices, to any position in the gift of the qualified electors, or of the General Assembly of this State.

O. P. SNYDER,
Chairman of Executive Committee.

Mr. HODGES, of Pulaski, moved that the Report be laid upon the table, that one hundred copies be printed for the use of the members of the Convention, and that it be made the special order of the day for Thursday, January 30th.

The question was taken, and the motion was agreed to.

SALE OF ARKANSAS HOT SPRINGS.

Motions and resolutions being in order,

Mr. HINDS presented the following resolution:

Resolved: That a committee of three be appointed by the Chair, to draft a memorial to Congress, setting forth the necessity for, and asking the public sale of, the Arkansas Hot Springs.

Mr. BROOKS. I hope we will not take that kind of action hastily. From all I know with respect to the subject—and I am not wholly without information,—I think, perhaps, the action indicated is a correct one; but I greatly prefer that we refer the resolution to a committee, to investigate and report upon the subject, rather than to adopt a resolution directing a committee to take so important a step, of this nature, without having the facts previously placed before the Convention. I think it far better that we take measures to secure a full understanding. If we shall then come to the conclusion to adopt the resolution, we shall be able to satisfy our own minds, and to satisfy others, with regard to the action to be taken.

I therefore move to refer the resolution to a committee of three, with instructions to consider and report upon the propriety of memorializing Congress upon the subject.

The question was taken; and the motion was agreed to.

REMOVAL OF PAPERS FROM THE SECRETARY'S DESK.

Mr. McCLURE presented the following resolution:

Resolved: That hereafter no record, resolution, or other paper, shall be removed from the Secretary's desk, for any purpose, without the order of the President of the Convention.

Mr. BROOKS. I would suggest to the honorable member, to amend by adding, "without the consent of the Secretary." The Secretary might be perfectly willing to entrust to a member, for a few moments, without the order of the President, a paper lying upon the desk. If, however, the Secretary does not feel that he can assume the responsibility of denying members that privilege, I have no objection to the resolution as it stands. I should prefer, if I were at the desk myself, to have that kind of discretion.

Mr. CYPERT said he presumed the resolution originated from the fact of his having taken a paper from the desk, for the purpose of examination. He had done so as one of the Committee on the Revision of the Journal, and with a view of making a report. The privilege of thus examining papers was indispensable to the performance of the duty assigned the Committee. If a member engaged in that duty should mutilate the paper, he would be responsible.

Mr. McCLURE disavowed, on his own part, any such motive in the introduction of the resolution. On the preceding day, members had gone to the Secretary's desk, had taken from it a resolution then under consideration of the Convention, had left untouched as much of it as they wanted, torn the paper in two, and thrown away what they considered the surplus. When the Secretaries came to make up the record, they found themselves embarrassed by the discovery that one-half the original resolution was missing; and, this morning, he [Mr. McClure] had to supply, from memory, an amendment to the resolution which he had introduced.

Mr. BROOKS. I have to say, as far as I am concerned, as an individual member of the Convention, that if there is any member here who pursues a course of that kind, I am for having charges preferred, putting him around the ring on the double-quick, and having the Sergeant-at-Arms show him the hole that the carpenters made. The act is an outrage—it is criminal. I did not suppose it necessary that we should protect ourselves against that kind of raiding. I supposed the days of raids were over, here. I regard the resolution, in the light of this explanation, as not so much a movement to protect the Secretaries, as to protect the honor, the common honesty, and respectability, of the body, against the acts of thoughtless, criminally thoughtless members of the Convention. If the mutilation has been inadvertent, that is a different matter. Of course, such inadvertence would be pardoned.

Mr. McCLURE. I do not think it was intentional.

Mr. BROOKS. I should hope not, certainly.

I move to amend the resolution by adding, "without the consent of the Secretary."

The question was taken; and the amendment was agreed to.

The question was then taken on the resolution as amended; and the resolution was adopted.

COMMITTEE ON THE ARKANSAS HOT SPRINGS.

The PRESIDENT announced the Special Committee on the Hot Springs of Arkansas, as follows:

Messrs. Hinds, Brooks, and McClure.*

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* Messrs. Snyder and Coates, also, were appointed upon this Committee; but the resolution having called for a committee of three only, the names of those gentlemen were stricken out before the making up of the day's journal.—Reporter.

NAVIGATION OF OUACHITA AND RED RIVERS.

Resolved: That a Committee of three, of whom Mr. PORTIS shall be Chairman, be appointed, to draft a memorial to Congress for the improvement of the Ouachita River.

Mr. MONTGOMERY moved to amend by adding the following:

Resolved: That the Committee on Memorials be instructed to report a memorial to Congress, asking for an appropriation for the purpose of improving the navigation of Red River, to facilitate government transportation of mails and government stores to the Indian country.

Mr. HINDS moved to amend the amendment by striking out the word "report," and inserting, instead thereof, the words, "inquire into the expediency of reporting."

The question was taken; and the amendment was agreed to.

Mr. MONTGOMERY. I think the resolution was right as it stood originally. I would like to state the reasons why I desired it in that form. Red River, although probably not as navigable, in some parts of the year, as some others, is one of the most important rivers of the State.——

Mr. HINDS. I rise to a point of order. The amendment has already been declared by the Chair as adopted.

The PRESIDENT. The point of order is well taken.

The question was then taken on the resolution as amended; and the resolution was adopted.

CONTINUANCE OF THE FREEDMEN'S BUREAU.

Mr. SCOTT presented the following resolution:

Resolved: That a special committee be appointed, to memorialize Congress to continue the Freedmen's Bureau until the State is reconstructed; and that the Committee to whom this resolution is referred be instructed to report by Monday morning, January 27th.

Mr. CYPERT asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative,—Yeas 47, Nays 18, as follows:

YEAS: Messrs. Beasley, Belden, Bell, Brashear, Brooks, Coates, Dale, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hollis, Hodges of Pulaski, Houghton, Hutchinson, Kyle, Langley, Mallory, Merrick, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Oliver, Portis, Priddy, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Scott, Smith, Snyder, Van Hook, Wilson, White, Williams, Wyatt, and the President—47.

NAYS: Messrs. Cypert, Duvall, Evans, Gantt, Hicks, Hodges of Crittenden, Hoge, Mason, Matthews, Moore, Norman, Owen, Puntney, Reynolds, Shoppach, Sims, Walker, and Wright—18.

So the resolution was adopted.

PER DIEM OF THE DELEGATES FROM ASHLEY COUNTY.

Mr. KYLE presented the following resolution:

Whereas, Messrs. GEORGE NORMAN and W. D. MOORE, delegates from the County of Ashley, would have appeared in their seats on the day of the organization of this Convention, and by no fault of theirs were prevented from so doing.

And whereas, it is but just that they should receive per diem from said first day of the Convention.

Therefore be it resolved: That the Secretary of this Convention do issue to them the necessary certificates to enable them to draw said pay.

Mr. MATTHEWS said, in support of the resolution, that these gentlemen were in his town, on the morning of his departure to attend the session of the Convention, and had there met the order revoking the election. They could have been home but a day or two, before the order was rescinded; so that, in consequence of their election, they had been absent from their home and business as much as any other members of this Convention. The resolution was an eminently proper one.

Mr. BROOKS inquired whether the gentlemen in question were in Little Rock at the opening of the Convention, ready to take their seats.

Mr. MATTHEWS replied, that they had started in due time, and at Monticello had met the order revoking their election.

Mr. BROOKS. I move to insert the words, "from the time of their arrival here." I offer this amendment, with this view; that while, doubtless, it was not the fault of the honorable members that they were not here, neither was it the fault of the Convention. If the gentlemen were prevented, by military orders respecting the election, from being present at the opening of the Convention, that was their misfortune. But, sir, I take it that we would not be justified in voting members their per diem for time when they were not here. It may not have been, and was not, their fault. But a railroad train might have run off the track, or a steamboat sunk, with some of the rest of us, and we might, in consequence, have failed to arrive until this period. Such an event might have been a misfortune to us; but the State ought not to be required to pay us unless we were actually here to enter upon our duties, no matter what detained us.

Mr. MALLORY. I do not think the Convention, which has been so liberal respecting pay and mileage,—giving fifty cents a mile and ten dollars a day,—should be so tenacious as to the pay of a couple of members. After the statement of the gentleman from Drew [Mr. MATTHEWS], I cannot, being in favor of obedience to the military authorities, think otherwise than that these gentlemen came here as soon as they in propriety could. I advocate the amendment, from the fact that they started, the first time, without orders.

Mr. MATTHEWS [*in his seat.*] They did, sir.

Mr. HOLLIS. I arrived here three days after the Convention met, and on account of a second election. I want to know if I will be entitled to per diem from the time the Convention met. I ask for information.

Mr. SARBER moved to amend by inserting, after the names of Messrs. MOORE and NORMAN, the name of Mr. MERRICK.

Mr. BROOKS. Upon the development of these facts, I would, if it would meet the views of the Convention, greatly prefer, since it appears that there are other gentlemen in similar situation, to refer this whole matter to a prudent committee, to settle the whole question. I have, certainly, nothing of a personal or political character influencing me with reference to the amendment which I offer. I would not wish to be an agent in preventing any gentleman from receiving honorable and ample compensation for his services. There seem to be more cases, of this kind, than one; and I think we had better refer the question to a prudent committee. We can then have no personal or political motive assigned to our action, whatever may be determined. I would say, to my friend on the right [Mr. MALLORY] that I was not of the number who voted for ten dollars per day and fifty cents mileage, until it came to a final vote on the question. That matter is not now under consideration, it is not a question of a trifle on the balance-sheet of the State, one way or the other, but simply that of doing these things in a business way, no matter who is interested. I hold it scarcely well that we should establish a precedent of the kind proposed. No matter what was the occasion of the detention of these gentlemen, that was their misfortune.

If it be in order, I would move that this subject—I mean, the resolution, and the general subject embraced in this or any other resolution of the kind—be referred to a select committee of three, with instructions to report.

Mr. KYLE. I would like to see the rule enforced, which requires that members shall not address the Chair more than once upon the same subject, when there are others who wish to speak.

Mr. BROOKS. I would wish to explain. If there is anything I desire, in deliberative bodies, it is that I should myself be in order. I cast my eye around to see if there was any one desiring the floor. If I made an error in my observation, I ask pardon of the Chair, and of the Convention.

The PRESIDENT. The Chair understood the gentleman from Phillips [Mr. Brooks], in any event, to introduce a new proposition.

Mr. KYLE. I rose, three times, to catch the eye of the President, and did not succeed. As my friend [Mr. Brooks] had spoken before, and, under the rules, was not again entitled to the floor until all others had spoken who might so desire, I felt at liberty to offer the remark which I made. His apology is good.

I hold that these gentlemen, according to all the rules of deliberative bodies, are entitled to their pay. They were members elect, for the fact has been so proven; and it is not their fault that they were not here when the Convention first assembled. They made their arrangements, left their homes, and were on their way to attend to the people's business. They met with the order remanding the election in their County back to the people. Of course, it became their duty to attend to their interests before their constituents. They did so. It turns out, however, upon examination by the commanding General, that they were legally elected, and entitled to their seats. They are duly notified to appear here as members from Ashley County; and they accordingly come here. They have been at as much expense, in coming here, as the rest of us. It is the custom of deliberative bodies, when a member is prevented, by no fault of his,—by injustice done, or anything else that may detain him,—from attendance at the opening of the session, to place him, in the matter of pay, upon an equal footing with the rest of the members, and allow him his compensation from the commencement of the session.

As regards those members whose elections were declared informal, and in whose cases new elections actually took place, and they were re-elected to this body,—as in the case of my honorable friend from Lafayette County [Mr. Merrick],—an entirely different question is presented. In that instance, there was an entirely new election. The gentleman was elected, to be sure; but it is for the Convention to say whether he shall receive his pay from the beginning.

I hope the amendment of the gentleman from Phillips [Mr. Brooks], so far as it regards the case of the gentlemen from Ashley, will not prevail.

Mr. McCLURE. I believe this now stands before the Convention as a question of reference.

The PRESIDENT. It is a question of reference.

Mr. McCLURE advocated the passage of the original resolution. A case of clear justice was to be treated purely upon its merits; and no personal or political motive should be allowed to disturb the judgment of the Convention. Two reports had been submitted by the Committee on Elections, both of which acknowledged the right of these gentlemen to their seats. There seemed to be no reason to doubt that they were on their road, to attend the session of the Convention, at such time as would have brought them to Little Rock at the date of assembly. Encountered by an order revoking their election, they had returned home, clearly in accordance with their duty, only to receive a counter-order declaring the validity of their election. He would submit, to the Convention, the simple principle of justice. Is not the laborer worthy of his hire? The expense attending the circumstances in which these gentlemen had been placed by the orders of the commanding General of the District, was of a character that entitled them to compensation. He insisted that if these members had started from home, been taken sick on the road, and brought to the Capital on the last day of the session, they were entitled to their pay, for the obvious reason that they had started, in good faith, to perform a public duty. If they had neglected their duty, the case would have presented a different aspect. He would therefore insist that they should be paid from the date of the assembling of the Convention.

Mr. MONTGOMERY said he should favor the reference to a committee, in order that some general rule might be adopted, which should meet all cases of the kind that might come before the Convention.

The question was taken on the amendment, to refer the entire subject to a special committee of three; and the motion was not agreed to.

The question was then taken on the amendment to insert the name of Mr. Merrick; and the amendment was agreed to.

The question was then taken on the amendment to insert the name of Mr. Hollis; and the motion was agreed to.

The question was then taken upon the resolution as amended; and the resolution was adopted.

EXPENSES OF THE CONVENTION—AGAIN.

Mr. MATTHEWS. I gave notice, the other day, of my intention to move a reconsideration of the "Ordinance raising revenue for the purpose of defraying expenses of Constitutional Convention." I had not then determined whether or not I should do so, but wished not to be precluded from so doing, from want of notice; and I am not yet satisfied of the propriety of the action; yet, as there are some gentlemen here who would have given the notice if I had not, I now move the reconsideration.

Mr. McCLURE. If in order, I desire to give a reason why I shall vote in favor of the reconsideration. As this Ordinance now stands, it provides that the Treasurer shall issue his warrant, payable from any amount collected by the taxes of 1868. I think, sir, that this would be a better ordinance, if the words "out of any funds arising from taxes collected on the assessment of 1868," were stricken out, and the following words inserted: "out of any funds arising from taxes that may come into the Treasury after the passage of this Ordinance." The object of the amendment is, to take the money assessed and collected upon the property of 1867, to be paid into the Treasury between now and the first of June next, and make it applicable to the payment of such warrants as may be issued by the Treasurer; so that, instead of the warrant running eighteen months for payment, it shall run but six, without in the least affecting the taxation of the people. The tax levied by this Ordinance remains as it is, and will be collected in eighteen months, but takes the money which will be paid into the Treasury, by the sheriffs, between this time and the first day of June, to pay this scrip. As the Ordinance now stands, the scrip is payable only from taxes arising under the levy of 1868.

Mr. PORTIS. I am in favor of the amendment, for the reason that it puts our warrants in better shape, and makes them more valuable; and, further, that by this plan the tax will not press so heavily upon the people. Many gentlemen here are averse to seeing the people pressed with taxes; and I, for one, entertain that feeling; but this tax must necessarily be paid, by them, by 1869. I shall therefore vote for the amendment.

The question was taken on the motion for reconsideration; and the motion was agreed to.

The PRESIDENT. The Ordinance is upon its third reading, and the question is,—Shall the Ordinance pass?

Mr. HICKS. I rise to a point of order. Our rules require that all Ordinances shall be passed on a call of the yeas and nays. Can they be reconsidered without a call of the yeas and nays?

The PRESIDENT. The Chair thinks it competent. It seems, at all events, to go by unanimous consent, which is substantially the same thing as a unanimous vote upon a call of the yeas and nays.

Mr. GANTT rising to the point of order that if, by the reconsideration, carried back to the third reading, the Ordinance was not a subject of amendment,

After some discussion on the point of order,

Mr. HODGES, of Pulaski, moved that the subject be recommitted to the Committee on Finance, Taxation, Public Debt, and Expenditures.

The question was taken; and the motion was agreed to.

Mr. McCLURE. If in order, I submit, as the report of the Committee, the following recommendation: To amend the Ordinance, by inserting, in the twelfth line, as printed, after the word "payable," the words "out of any funds, arising from taxation, that may come into the Treasury after the passage of this Ordinance."

Mr. HODGES, of Pulaski, moved that the Report be adopted, and the amendment accepted.

The question was taken; and the amendment was agreed to.

The Ordinance being upon its third reading,

Mr. HINDS said: There are some matters contained in this Ordinance, which are, really, surplusage. On the eighth line, we find this passage:

> "*And be it further ordained:* That the Auditor of said State is hereby directed to issue his warrant upon the Treasurer of said State, for such amounts as the President and Secretary of the Convention may certify to be due to any person or persons, for expenses or services incurred under the provisions of the aforesaid Act, upon the receipt of the warrant aforesaid, the Treasurer will issue his warrant."

In the first case the Auditor of the State issues his warrant. It seems that the Ordinance should be corrected, by striking out, after the word "Act," in the eleventh line,——

Mr. McCLURE: I beg leave to interrupt the gentleman, to say, that the Ordinance provides that upon the issue of the Auditor's warrant, the Treasurer shall issue another warrant, payable as further provided. I would state that that portion of the law was drawn by the Treasurer himself; and if he does not know how we are to get money from the State, he does not understand his business. I presume he does.

Mr. HINDS. All the matter embraced in the eleventh line, after the word "Act," and to the word "payable," may, in my opinion, be just as well dispensed with. Or, if the gentleman desires to have it there, let us say "certificate," instead of "warrant." The Auditor is the party issuing the *warrant*, and the Treasurer issues a *certificate*. The term employed is not the proper one. *We* should certainly know what is the proper one, if the Treasurer does not.

I move to strike out, after the words "the Treasurer will issue his," the word "warrant," and to insert, instead thereof, the word "certificate."

The question was taken; and the amendment was agreed to.

The question was then taken on the passage of the Ordinance as amended; and it was decided in the affirmative,—Yeas 53, Nays 12, as follows:

YEAS: Messrs. Beasley, Belden, Bell, Brashear, Brooks, Coates, Corbell, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hollis, Hodges of Crittenden, Hodges of Pulaski, Houghton, Hutchinson, Kyle, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, Van Hook, Wilson, White, Williams, Wyatt, and the President—53.

NAYS: Messrs. Duvall, Gantt, Hicks, Hoge, Matthews, Moore, Norman, Owen, Reynolds, Shoppach, Walker, and Wright—12.

So the Ordinance, as amended, was passed.

Mr. McCLURE. In order to determine definitely the action of the Convention on this subject, I move to reconsider the vote by which the Ordinance has just been passed.

Mr. HODGES, of Pulaski. I rise to a point of order. Rule XVIII forbids the taking of the question upon a motion for reconsideration, on the same day with the vote which it is proposed to reconsider, unless unanimous consent shall be given.

Mr. REYNOLDS. I object.

Mr. BROOKS. The object of the gentleman from Arkansas [Mr. McClure] is, to lock-stop any further opposition in this matter. I therefore move the suspension of the rules, in order to a reconsideration of the vote.

The question was taken; and the motion was agreed to.

Mr. McCLURE then renewed his motion for the reconsideration of the vote whereby the Ordinance was passed.

Mr. BROOKS moved that the motion for reconsideration lie upon the table.

The question was taken; and the motion was agreed to.

ADJOURNMENT.

Mr. BRASHEAR moved that the Convention adjourn.

Mr. KYLE moved to amend the motion, so that the Convention adjourn until two o'clock, P.M.

The PRESIDENT. The motion is not the subject of amendment. The only way in which the gentleman can reach his object, will be to procure the defeat of the motion for adjournment, and then to move that when the Convention adjourn it be to a certain hour.

Mr. KYLE. I ask leave to say that I desire the question of salary to be settled. I do not wish to take the time which should be devoted to the regular business of the Convention, in the forenoon, to attend to that matter.

The PRESIDENT. The motion to adjourn is not the subject of remarks.

The question was then taken; and the motion was agreed to;

And thereupon, at 12.30, P.M., the Convention adjourned to 10, A.M., of Saturday, January 25th.

SIXTEENTH DAY.

SATURDAY, *January 25th*, 1868.

Convention met at 10, A.M.

Prayer was offered by the Chaplain.

The roll was called, and the following members answered to their names:

Messrs. Beasley, Belden, Bell, Brashear, Brooks, Coates, Corbell, Cypert, Dale, Duvall, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hollis, Hodges of Crittenden, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Kyle, Langley, Mallory, Mason, Matthews, Merrick, Misner, Millsaps, Murphy, McCown, McClure, Moore, Norman, Oliver, Owen, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Reynolds, Rounsaville, Sams, Samuels, Sarber, Scott, Shoppach, Sims, Smith, Snyder, Van Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President.

SICK: Messrs. Bradley, Johnson, and Montgomery.

A quorum of the members of the Convention having answered to their names:

The Journal of the preceding day was read and approved.

APPOINTMENT OF SPECIAL COMMITTEES.

The PRESIDENT announced the following Committees: On memorializing Congress for an appropriation for the improvement of Ouachita River: Messrs. PORTIS, HOLLIS, and VAN HOOK:

To draft memorial to Congress for the continuance of the Freedmen's Bureau: Messrs. SCOTT, CORBELL, DALE, HATFIELD, SAMS, LANGLEY, and WILLIAMS.

PAY OF MEMBERS AND OFFICERS—AGAIN.

No petitions being presented,

And reports of committees being in order:

Mr. HINDS, from the Committee on Memorials and Ordinances, reported the following Ordinance:

AN ORDINANCE PROVIDING FOR THE PER DIEM AND MILEAGE OF THE MEMBERS, AND THE PER DIEM OF THE OFFICERS, OF THE CONSTITUTIONAL CONVENTION OF THE STATE OF ARKANSAS.

Be it Ordained by the people of the State of Arkansas in Constitutional Convention assembled:

First, That the compensation of the members of this Convention shall be eight dollars per diem during the actual sitting of the Convention, and the same amount per diem for each day's travel in coming to and returning from the said Convention, estimating thirty miles to be a day's travel, and computing the same by the nearest and most practicable route furnishing public transportation. Also, mileage each way, at the rate of twenty cents per mile, by the same route:

Second, The compensation of the Chaplain shall be eight dollars per diem, with the same mileage as allowed to members:

Third, The compensation of the Secretary shall be twelve dollars per diem; that of the Assistant Secretaries, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Doorkeeper, Assistant Doorkeepers, and Postmaster, eight dollars per diem, and that of the Pages, three dollars per diem:

Fourth, The compensation of the President shall be double that received by the members, with the same mileage as allowed to them.

(Signed) JAMES HINDS,
25th January, 1868. Chairman of Committee.

The Ordinance was read a first time.

Mr. HOGE. I intend to vote against that Ordinance; and lest there may be some misconception of my motives in so doing, I would like to explain my vote. I must vote against any compensation to the Convention, from the fact that only about nine-tenths of the property which we propose to tax is represented upon this floor. I desire that this explanation shall go upon the Journals.

Mr. DUVALL. I would vote for the substitute, in lieu of the original Ordinance, with the exception of one feature,—the mileage by the "route furnishing public transportation." I have to repeat my former expression of opinion against that measure. I could vote for the substitute in lieu of the other Ordinance; but I cannot vote in favor of that portion of it.

Mr. HINKLE. I shall vote for the substitute, because I think it just and equitable.

After some inquiry, from Messrs. CYPERT and BROOKS, as to the parliamentary aspect of the question before the Convention,

The PRESIDENT decided the substitute to be in the nature of an original ordinance, and that, as such, it was upon its first reading.

Mr. BROOKS moved that the rules be suspended, and that the Ordinance be read a second and third time, and put upon its final passage.

The question was taken; and the motion was agreed to.

So the Ordinance was read a second and third time; and,

The question being upon the final passage of the Ordinance, as reported by the Committee,

The question was taken; and it was decided in the affirmative,—Yeas 49, Nays 13, as follows:

YEAS: Messrs. Beasley, Belden, Bell, Brashear, Brooks, Coates, Corbell, Dale, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hinds, Hinkle, Hollis, Hodges of Crittenden, Hodges of Pulaski, Houghton, Hutchinson, Kyle, Langley, Mallory, Mason, Matthews, Merrick, Misner, Millsaps, Murphy, McCown, McClure, Oliver, Poole, Portis, Priddy, Puntney, Rector, Rawlings, Sams, Samuels, Sarber, Scott, Sims, Snyder, Van Hook, Wilson, White, Williams, Wyatt, and the President—49.

NAYS: Messrs. Cypert, Duvall, Evans, Exon, Gantt, Hicks, Hoge, Moore, Norman, Owen, Reynolds, Shoppach, and Wright—13.

So the Ordinance was passed.

Pending the call of the roll,

Mr. EVANS (when his name was called) said: I do not think we have a right to vote ourselves mileage twice, and therefore I shall vote against the Ordinance.

Before the vote was announced,

Mr. BEASLEY said: I voted for this measure, from the simple fact that I thought that under all the circumstances it was best to do it. I wish it distinctly understood, by all this Convention, however, that notwithstanding that I have voted for the Ordinance, it contains two or three items against which I solemnly protest. One was, the payment of mileage twice. Another, the number of officers,—believing, as I do, that some are superfluous. Especially do I object to allowing the minor officers the same pay as members. I voted Aye; and with that explanation, I shall let the vote stand.

The vote was then announced as above.

Mr. BROOKS moved to reconsider the vote by which the Ordinance was passed, and to lay upon the table the motion to reconsider.

The question was taken; and the motion was agreed to.

MEMORIAL FOR AMENDMENT OF THE BANKRUPT LAW.

Mr. HINDS, from the Committee on Memorials and Ordinances, reported the following

MEMORIAL TO CONGRESS, ASKING FOR THE AMENDMENT OF THE BANKRUPT LAWS.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

The Constitutional Convention of the State of Arkansas would respectfully represent, that there are a large number of citizens of the State who are unable to avail themselves of the benefits of the 'general Bankrupt Act,' for the reason of the expenses attendant on obtaining the same. Your memorialists would, therefore, ask that the general Bankrupt Law be so amended as to provide, in cases where there are no assets, that the person desiring to avail himself of the benefits thereof, may go before the clerk or other proper officer, and, having rendered his schedule, be relieved from all debts and liabilities without further cost or expenses.

(Signed) JAMES HINDS,
Chairman of Committee.

Mr. BROOKS moved that the Report be laid upon the table, that one hundred copies be printed for the use of the members of the Convention, and that it be made the special order of the day for Tuesday, January 28th.

Mr. CYPERT. I see no necessity, whatever, for laying the Report upon the table and making it a special order. The printing of these occasional papers causes a great deal of expense. I want to take up the Report and dispose of it at once. I do not wish to accumulate such an amount of printing. The Report is a very short one, and I suppose there is no gentleman upon this floor who does not understand it, or who cannot vote upon it as intelligently, now, as he ever can.

The question was taken; and the motion was not agreed to.

Mr. BROOKS moved that the Report be adopted.

The question was taken; and the motion was agreed to.

MESSENGER TO DISTRICT HEADQUARTERS.

Mr. BROOKS presented the following resolution:

Resolved: That the Honorable Asa Hodges, of Crittenden County, be, and is hereby, appointed a messenger of this Convention, with instructions to proceed to Headquarters of the Commander of the Fourth Military District, for the purpose of laying before the General commanding, the account of expenses incurred by this Convention:

Second, That the President and Secretary are hereby instructed to furnish to said messenger certified copies of all ordinances, estimates, resolutions, or other documents necessary to the discharge of the duties of the position:

Third, That our messenger be directed to receive, if possible, the approval of said accounts, by the commanding General, and an order for their payment by the State Treasurer; and that he report to the President of this Convention by telegraph:

Fourth, That the President and Secretary be directed to furnish the necessary credentials.

Mr. CYPERT moved to strike out the name of ASA HODGES, and to insert, instead thereof, the name of Mr. BEASLEY.

The question was taken; and the motion was not agreed to.

Mr. GANTT moved to strike out the name of Asa Hodges, and to insert, instead thereof, the name of Henry Page, Treasurer of the State of Arkansas.

Mr. BROOKS. I would suggest that we have no jurisdiction over Colonel Page.

The question was taken; and the amendment was not agreed to.

The question was then taken on the adoption of the resolution; and the resolution was adopted.

FINANCES OF THE STATE.

Mr. BROOKS offered the following resolution:

Resolved: That the Committee on Finance be instructed to ascertain and report the amount of the present indebtedness of this State:

Second, Where and by whom the notes, bonds, or other promises to pay, are held, and what interest they bear:

Third, What is the present market value of our State Bonds:

Fourth, For what purpose these obligations were created, and what disposition has been made of the funds thus obtained:

Fifth, The present assets at command, with which to liquidate such claims:

Sixth, What general financial scheme has been devised and put in operation for the purpose of meeting said claims and maintaining the public credit:

Seventh, The present condition of the School Fund of the State; together with any other information elicited respecting the financial condition of the State, that may be deemed of value to the Convention and the people.

Mr. McCLURE. I would suggest that the Committee on Finance be clothed with authority to send for persons and papers.

Mr. BROOKS. I accept the amendment.

The question was taken on the resolution as amended; and the resolution was adopted.

ASHLEY COUNTY ELECTION—AGAIN.

No resolutions, motions, or notices, being presented, and the consideration of

Unfinished business being in order,

The PRESIDENT announced, as the unfinished business before the Convention, the consideration of the Report of the Committee on Elections, upon the election in Ashley County.

Mr. HINDS moved that the Report of the majority of the Committee be adopted.

Mr. NORMAN. I shall say nothing in support of the able and conclusive arguments of the Minority Report, but simply touching the powers of this Convention.

Mr. President, I desire to protest in the most emphatic manner against that portion of the Report of the Committee that reflects so unjustly upon the people of my County. With all due deference to Mr. GANTT, of the Committee, I must say that the Report does the people of Ashley County the grossest injustice. I believe I can confidently say, that they are as obedient to the laws, as loyal (if that suits best), as the constituency of any member upon this floor. We have all heard it said, "Give a dog a bad name, and hang him." So it is with Ashley; she is, without just cause, in bad repute with certain parties in these quarters, and it will be difficult to secure for her that impartial consideration which counties and people, who are not in such bad odor, are accustomed and entitled to receive. That there have been acts committed in our County, not chargeable to our people, and which they most deeply deplore, is most true. That there have been some acts committed by citizens thereof, that could not be justified, is also true. But, sir, I can say, if they have done wrong, they have been most grievously and wantonly provoked. Sir, when our late great war closed, the people of Ashley County were among the first to assemble in convention and renew their allegiance to the Union; and deputed my colleague and myself to make our politest bow to his Excellency Governor Murphy, and ask to be admitted into the amiable family of his reconstructed counties. The Governor and his officers (the honorable Secretary of State among them) received us with open arms. They were glad to see us, for two reasons. First, because they rejoiced to witness symptoms of our returning repentance; and because, secondly (as they assured us), the extreme men in Congress were anxious to have Arkansas put into a Territorial condition, which they thought could be avoided by the prompt acquiescence of the people of the State in the present State Government. Sir, from that day to this moment, the people of Ashley County, in despite of many petty annoyances, and sundry outrages, which if collected would fill a volume, that have been inflicted upon them by officers of our once revered Government, have endeavored to live soberly, quietly, decently, before God and their country, faithful citizens. These things have never reached the ears of those who ought to protect us; whilst whenever the few who were not willing to lick the hand that smote them, imprudently, possibly, kicked against the pricks, their acts were grossly exaggerated, their motives misunderstood, their conduct traduced. Sir, I say now, with the utmost truth, that a gentleman, as long as he remains such, be he white or be he black, will be as kindly and respectfully treated in Ashley County as in Pulaski, or Phillips, or any other county in the State of Arkansas.

But to come now more directly to this late election, which has received such severe animadversions from the majority of the Committee. Sir, if the gentlemen composing that Committee have come to just and correct conclusions therein, then there are some most remarkable and significant facts, connected therewith, to which I desire to call the special attention of this country and this Convention.

First. The only witnesses who have been examined before this Investigating Committee, were the Registrars, who conducted that election, and a late Agent of the Bureau, all of whom have been in this city for fifty or sixty days since the election,—who could have had hourly and daily access (if they desired it) to the General commanding this District, and to whom, by the wonderful powers of the telegraph, even the ears of the Department Commander could have been every moment open. Yet this Committee alone have discovered the *violences*, the *frauds*, the *outrages*, which they desire to record as a perpetual memorial against my people. Either Generals Ord and Smith are singularly stupid, or vilely corrupt, or else this Committee have found a mare's nest!

Secondly. It was in proof, before this very Committee, that all the evidence before them had been submitted to the Generals commanding this District and this Department; and that they regarded it as utterly futile and worthless, their late orders conclusively show. In fact, it is remarkable that the only evidence offered, discovered by the Commanding General, was that *against* us, and not by us or our friends.

It is again true, that a much larger proportion of negroes voted than of whites. They polled pretty well their entire strength; whilst the white vote fell off two or three hundred. In fact, sir, the whites were wholly indifferent until the last day's election; and then only took an active part at one precinct. Sir, if the truth could be unfolded, the frauds and intimidations, almost altogether, were on the other side. It is capable of the amplest proof that, at the close of the election, deluded negroes with bridles in hand, came to our town in search of the mules which had been promised them (as they alleged) by the candidates opposed to us, as rich Government donations for loyal voting. But like the illustrious Japhet in search of a father, their labors have hitherto proved fruitless. Moreover, sir, in the mysterious vocabulary of the League, they were assured that if they did not vote for a convention, "night had no eyes," and that they would be spotted for vengeance. Sir, it gives me no pleasure to allude to these things; but I should be false to the people I represent, if I did not attempt, by the pencil of truth, to erase or relieve some of the dark tints and shades which the Committee have given to these matters.

One other point, sir, and I have done. The Committee failed to exculpate my colleague and myself from participation in the frauds and intimidations alleged to have been perpetrated in our election. I can say that I am as innocent of any wrong in that matter as it is possible for mortal man to be. I did not seek this position; it was thrust upon me. I took no part in the election. The people of my County, against my expressed wishes and desires, elected me a delegate to this Convention; and in obedience thereto, and to the mandates of the Commanding General, I am here to-day. I came, entertaining no feelings of bitterness or hostility to any man on account of political differences, but simply, in accordance with my sincere convictions, to do my duty to my constituents, myself, my County, and posterity. Whilst I, together with my constituency, am unalterably opposed to incorporating negro suffrage in our fundamental law, yet I and they are willing to allow to all the fullest protection for life, liberty, and property. We are desirous that all, of every race and of every color, should participate in the blessings of a Republican Government. God grant that the day may be not distant when all these petty criminations and recriminations may be "in the deep bosom of the ocean buried," and that our great and glorious America, from the Aroostook to the Rio Grande, from the distant Pacific to the stormy Atlantic, with a free, united, and happy people, may start anew on her grand career of prosperity and universal empire.

Mr. HODGES, of Pulaski. In order that we may understand our vote, I move, as a substitute for the motion to adopt the Report, that it be printed, with the testimony, and made the special order of the day for next Tuesday [Jan. 28th.]

Mr. WILSON. If in order, I move, as an amendment, to lay the whole matter upon the table, and make it the special order of the day for the Fourth of July.

Mr. SARBER. I move that the amendment of the gentleman from Union [Mr. WILSON] be rejected.

Mr. CYPERT. I rise to inquire the condition of the question, before the Convention. The first motion was for the adoption of the Minority Report. That motion stood over, and was made the order for to-day. Now there comes up another motion, by way of substitute, to adopt the Majority Report. Then follow two or three amendments. I desire to know in what position the question stands.

The PRESIDENT. The question is upon the motion of the gentleman from Johnson [Mr. SARBER.]

The question was taken; and the motion to reject was agreed to.

Mr. SARBER. I think, as the gentleman [Mr. NORMAN] has called this matter up before the Convention, it should be placed before the people. He claims that we have reflected upon his action, and that of his colleague, in the late election. The gentleman is mistaken. I will state that there was no evidence, before the Committee, tending in any manner to charge the gentleman with participation in any lawlessness or disorder connected with the election. But I will say, and the evidence will bear me out in the statement, that the testimony showed a most reprehensible state of affairs. It shows that registered colored voters were driven away from the polls; that they were intimidated, and threatened that they would be killed and left in the swamps, if they voted for a convention. It shows that white men declared that they would not go to the polls to vote, that day, for what they were worth.

As to the character of the testimony brought before us,—we did take the testimony of the Registrars, because it was available. We took, also, that of the Agent of the Freedmen's Bureau, who is a resident of Little Rock, or was staying here. Furthermore, we notified Messrs. NORMAN and MOORE, that if they had any to produce, they should bring it in. They replied that they had none. We afforded them every opportunity of introducing rebutting evidence. It is true, they asked for the names of some white men, who had been mentioned as being afraid to go to the polls; but the witnesses were unwilling to give the names, and the Committee did not think it expedient to compel them to do so, since the testimony showed that in that County the property and lives of the parties would be endangered, if they were known.

Mr. CYPERT. The evidence, going before the world as it now appears, would be a very extraordinary batch of stuff. The witnesses, I am informed, directly refused to testify, until Messrs. NORMAN and MOORE were expelled from the room. These gentlemen had no opportunity of cross-examination. The whole testimony is *ex parte*. It could not, under such circumstances, be rebutted. How could they produce witnesses to rebut testimony to which they were not permitted to listen? It is true, they received information from the Committee; but the witnesses had refused to testify until the gentlemen whose case was under consideration had been driven from the committee-room.

Mr. SARBER. I will say that these gentlemen did know the evidence of these witnesses; for one of the gentlemen himself showed me a written statement of the testimony of one of the witnesses, before the Committee. Furthermore, the reason why these men would not testify before the gentlemen, was, their fear, not of their own personal safety, but of their friends in the country, upon whose evidence they relied.

Mr. MOORE. I had no thought of intruding myself upon this Convention, with anything like an extended speech. Nor do I intend to do so now. I believe my colleague has sufficiently vindicated my County. But take the Report of that Committee on Elections, and read it in connection with the Reconstruction Laws, and every man on this floor is bound to admit that the officers who testified before the Committee wilfully swore falsely, and have acted in dereliction of their duty.

Mr. BROOKS. I rise to a point of order. The accusations might be in order before a grand jury; but they are not quite so here.

The PRESIDENT. The Chair will ask the gentleman to desist from any reflections of that kind.

Mr. MOORE. The Sheriffs of the counties, by the Reconstruction Orders, were required to furnish a deputy to each precinct, that the election might be held fairly; and the Registrars were clothed with civil jurisdiction to arrest any party interfering with the execution of the law. If these frauds were perpetrated, and intimidations used, who is responsible? Why were not the parties arrested? why not brought to the bar of justice, and punished, in accordance with the Reconstruction Acts, and the orders of General Ord? Not only so, but the Sheriff of our County,—that County in such exceedingly bad repute,—that County where murder stalks abroad,—was furnished with a body of soldiers, under the command of an officer of the United States Army, to assist him in preserving order and carrying out the provisions of the law. And yet these men are not produced here to prove any of these alleged outrages. If these frauds were perpetrated, if these intimidations were used, why is not this Lieutenant brought here, who commanded that party of soldiers? Bring him before the bar of justice, if he stood by and permitted these things to take place—let him be punished by a court-martial. Not one word of remonstrance proceeded from any of these officers, civil or military; nor did we hear one word of all these charges, until we arrived with our credentials here. We came in the utmost good faith. I came here as loyal as the most loyal; I came to obey the laws of the land; and came to perform the duties required of me in accordance with the wishes of the people of the County. I did not come here to force myself upon the Convention; but now that I am come, I am here to do my duty. I am tired of hearing my County aspersed. There have been no murders committed; no man has been tried by military commission. And I say, sir, that no man, be he old or young, white or black, I care not where he comes from—he may be from Massachusetts or from Europe,—who demands justice from the courts of our County, but will have it meted out to him amply. But alas! there are many who when they do get justice, get what they don't want! Compare the number of the convicts from that County with that of the convicts of "loyal" Phillips; and what is the result of the comparison? I say, sir, men *can* get justice in Ashley County. I say I have stood up, in its court-house, and defended the colored race, with all the ability I possessed, without hope of fee or reward. I would do it again. I hold that they should have justice under the law. I hold that they are not entitled, under any law of the United States, to the privilege of suffrage. I hold that they are not citizens, under the Constitution under which we live, and are not entitled to exercise rights which belong only to citizens. But I am willing, and my people are willing, to let them have all that belongs to them, to secure to them justice; and I think that to be sufficient. I do hope that this report of the majority of the Committee will be laid upon the table; that no aspersion will be cast upon my County; and that my people will not be regarded in any worse light than they deserve. I trust this Convention will not put a blot, a stain, upon the County I represent. I hope they will reflect that there are at least six hundred and four loyal men in that County. Five hundred and thirty voted for a Convention. Of course they are loyal. Are those who voted against a Convention to be considered disloyal? I hope not. If so, there are five hundred and fifty disloyal men in my County. But, sir, they are not to be regarded as disloyal because they so cast their votes. It is merely a difference of opinion, —a different way proposed for arriving at the same result. We came here as Delegates from our County, in July, 1865, desirous of reconstruction. We met the venerable Governor of our State. He urged us to organize, in the counties, because, he said, there would be an effort made, if we did not organize, to place us in a Territorial condition. Such a result we should greatly deplore. We went to work, earnestly, to assist in organizing, with a view to reconstruction. I myself filled out the commissions of officers in my County. I took upon myself the honorable office of Justice of the Peace, that I might swear in the clerk of the Circuit Court. This I did at the suggestion of our esteemed Governor, who will bear me out in my assertions. I say I went to work earnestly, and honestly. We have lived loyally; we have acted loyally; we are as loyal, to-day, to our Government, as any people under heaven. We love the Stars and Stripes, although we were once estranged from them. We came back in the utmost good faith. We are disposed to live in accord and harmony with all loyal men. But alas! we differ from some others in our views of what *is* loyal. We hold that to live in accordance with the Constitution of the United States, is loyal; to violate that sacred instrument, which embodies those principles of liberty and law for which Washington fought, for which freemen died, we hold to be disloyal. We hope gentlemen will meet us in the same spirit in which we come here, and that we may, in all sincerity and earnestness, unite in a common effort to secure the best interests of the State. If we will, we shall discharge our duties, we shall frame a Constitution of which we shall not be ashamed when we grow old, one that our children shall not be ashamed of when we are gone. Then we can go back to our families with a good conscience. If we will all act in this spirit, there will be no more of this bickering, no more of these thrusts, at this side of the house, of the charge of disloyalty, so long as we continue to live up to the very letter of the

Constitution, and do no act that is not in accordance with it—and of that we claim as full right as others, to judge.

Mr. WILSON. I feel it due that I should give my reasons for my motion to lay this matter upon the table. The Convention has pulled backward and forward. There seemed to be a question, in the minds of members, as to whether they ought to admit the gentlemen, who I thought had the same title, to be here, with the rest of us. I thought that to refer the matter to a Committee would probably close the discussion at once. I regretted that the Committee thought it necessary to inquire into all the matters which they reported back to the Convention.

I thought that there was but a single question into which the Committee had to look, and that was, at the Reconstruction Law, to find whether these gentlemen were competent to take the oath of reconstruction, and so to become voters, and be qualified to hold seats in this body. It was General Ord's province, as I hold, to determine upon the legality of the election. The only question that the Committee was required to report on to the Convention, was that of these gentlemen's title to their seats. And I was mortified, astonished, and made to blush with shame, when the Majority Report came in—enough manuscript to fill a newspaper. They had gone clear out of their province. They had nothing to do with this matter which they went and hunted up. I do not mean that they intended any wrong. They differed, honestly, in their views, from me. Then comes a Minority Report, as long as the moral law, and four times as long, and with a preamble on matters with which they had nothing to do. I voted to lay the whole subject upon the table. I wanted, then, to defer the matter to the Fourth of July. You see where these things are running to. There is none of us but could bring up a whole host of ghost stories to tell about, and get up any number of humbugs, and all this sort of thing. [Laughter.] I know there were all kinds of lies told in my County—there were no lies that could be got up, but what were told. [Laughter.] I know these two men, against whom no one living can bring any reflection. I would bring none; and if I did, it would only recoil upon me. I know them to be honorable men, who would not be involved in anything improper or dishonorable. I do think we are travelling too far out of the line of our duty, to make capital at home. We have heard the gentlemen's defence of themselves and their county. I think it is time for us to come to good common sense. [Applause.] Let us do our duty, and go home. I am tired of our going and hunting up matters a hundred miles off, that have nothing to do with the subject; and I want to defer them to the Fourth of July, and if we are bound to talk about them for capital, it will be a good time to take them up then, and have a Fourth of July frolic over them. [Laughter and applause.]

Mr. BROOKS. I am very much surprised that my patriotic old friend would attempt that kind of a raid on the Fourth of July. I have more reverence for the day, than to defer such a bundle of humbugs as he charges these Reports are, to the anniversary of our independence.

I do not desire a prolonged discussion. I think there is no such disposition upon the part of those who have voted to support the motion made on this side, to print these Reports. We did not open any discussion. We do not propose to enter into any debate. And I will say that I have not regarded the motion made on this side of the room, as any reflection, whatever, upon the honorable members from Ashley, personally or politically. I do not think it has any such bearings. I am very sure that I have no knowledge of such an intention. Nor have I heard any such "flings" as have been referred to, charging the other side of the house with disloyalty. I have not heard the term employed, so far as my recollection goes, in the debate upon this floor. I was gratified on my introduction to the gentleman [Mr. MOORE], to perceive that he was honestly desirous to enter into this work of reconstruction—not, perhaps conforming exactly to my ideas, or the ideas of either side of the house, but to his own ideas, to which, of course, every honorable gentleman is entitled. I think we are not disposed to be fastidious in that regard. We have not charged disloyalty upon men who differ with regard to the details of reconstruction. We have not charged it at all, that I remember. We reciprocate the gentleman's deprecation of strife and discord, and cuts and flings. I think we have not made any at Ashley County. My friends on this side have not proposed to make any, unless there be cuts *in the testimony;* and if so, *we* are not to blame for it, I am sure.

But I am sorry that one deprecating such flings should himself become the chief flinger, and attempt to institute a comparison—comparisons are said to be always invidious, I believe—between Ashley County and "loyal Phillips." Of course, as respects the loyalty of Phillips, that is of a character to challenge the world, and to challenge the admiration of this State, and of the people at large. I have not examined the state of things as regards the number of convicts from Phillips County. We have, doubtless, men who vote right and do not always act right, and some who do not even vote right; and I suppose there are some men from both Counties, in the public boarding-house across the ravine. But in the first place, Ashley County numbers perhaps less than one-third the population of Phillips. It has no principal town or city within its borders. It is an interior county. We have the second city in the State—its only town or city of any note upon the Mississippi River; and the presumption always is that on such great thoroughfares, and in larger towns and cities, there will be aggregated, from time to time, more bad men than are generally found in interior districts. I will simply say that I am not aware that the tendency of loyalty to the United States flag and Government philosophically tends to make thieves and convicts. If, however, that theory be established, then there is some apology, perhaps, for those who were formerly true to that flag and country, and proved unfaithful to them.

But it may be that there is an explanation, with regard to the number of convicts that we have from "loyal" Phillips, in the State Penitentiary. I believe the last car-load came, very nicely made to time and transported here simultaneously, or very nearly so, with the proposed meeting of the Democratic State Convention in Little Rock. I do not suppose, Mr. President, that they were sent as delegates to that Convention. I do suppose, however, that a very remarkable coincidence exists,—that such a batch of colored, and, consequently, of course, loyal voters, should be sent to the State's Prison just at this time, and that for a small squad of petty convicts should be sent over here twenty-two Democratic guards to protect them on the way, at the very neat little expense of fifteen hundred dollars to the State of Arkansas. Perhaps the Democratic party in Ashley County have not grown so sharp as in Phillips. We have whetted them up, over there; we have, as the Yankees say, kept them to the grindstone, ever since last May, when we started in; and they have grown exceedingly sharp. It is certainly very convenient to have their mileage met; and a very nice squad there was, to take care of a few prisoners whom one man with a revolver could have guarded without any trouble whatever!

Mr. MALLORY. As a member of the Committee on Elections, I wish to offer a few remarks. I consider that all committees are servants of this body. Whatever evidence is referred to a committee, is usually *ex parte*. It is their duty to report back to this Convention what comes before them. And I will state that as this seemed to be an interesting case, I have taken some measures to inform myself upon the matter. I will say that so far as the gentlemen representing Ashley County on this floor are concerned, they are entirely exonerated from any blame that may be laid to the door of the County. I desire, however, to submit a brief statement in regard to the facts of the case. It seems that, as in other counties, the Registrars were separated, and that each Registrar held an election in a certain number of towns—three or four each. We have evidence, before the Committee, that in the precincts of De Bastrop, Extra, and Egypt, the elections passed off fairly; and there, no complaint was made, on the days of election. It will also be remembered that in the order published in regard to this matter, Union Precinct was the only precinct named, and that it was stated that, that precinct being thrown out, there was still a majority for the candidates returned. We find, upon investigation, that in Carter Precinct, also, of that County, colored men were deterred from voting, by threats of being thrown out of their homes if they voted "the damned Radical ticket." We find that in that Precinct there were about seventy-six colored, and ninety-seven white voters. Men came in, after the election in that Precinct, and made affidavits to the fact that they were threatened, and deterred from voting; and fifteen men in that Precinct made oath that they were not allowed to vote. Two white men were intimidated by threats that if they attempted to vote, they would be driven away from the polls. All said they would have voted for a convention, and for Reconstruction candidates. It is in evidence that a certain young man named Joseph Bell went to the Precinct-capital—Hamburg, I think,—and told a white man

> "he belonged to the Union League, and if he thought he did he would kill him now. Again, on the morning of election, said Bell went into the store, and told the same man, if he went to the polls to vote he would kill him there."

The witness said he ordered the Sheriff, whose name is Tinor, to arrest said Bell; that Bell had just opened the door and left the room; that the Sheriff went out, and in a little while returned, stating that he could not find Bell.

> "In Carter precinct eight colored men voted against a convention and for Moore and Norman, which was done under threats that if they voted for a convention and for Harbison and Currie, they would not receive any pay for what they had done during the year, and would also be driven from their homes without anything to eat. They wanted to vote for both the Convention and for Harbison and Currie."

> "Abner Files, Clerk of the County Court, turned Wesley David (colored) out of his house, for voting the Convention ticket. James Willis also turned a colored man out of his house for voting for a convention and Harbison and Currie."

> "Colored men from all parts of the County came in, reporting this state of facts to exist."

There were informalities in Portland Precinct. One George Washington, colored, was threatened, by his employer, that if he voted he would be turned out of his house and home.

It is also stated, in evidence before us, that after the election, when the Democratic victory was announced, "Soldiers clothed as soldiers of the United States, did fire volleys in honor of the victory." [Applause from the left.]

At Hamburg,

> "Abe, a colored man, was assaulted with a bowie-knife, by a man by the name of Herron, for voting for a convention. Nine colored men came to the witness, and stated that they had been driven from their homes because they had attempted to vote for a convention—eight of them were registered voters. Parties notified them, as they started to the polls, that if they voted for a con-

vention they would be killed and left in the swamp. At least three cases in Carter Precinct came to me and said they did not vote, for fear of bodily injury, when, if they had voted, they would have voted for a Convention, and Harbison and Currie. This was upon their oaths, and the next day after the election in Carter Precinct. One man was warned before he voted that if he voted he would be turned out of his house, and be killed. After he voted, they gave him two hours to leave his house, or he and his family would be burned in it. This threat was made by a mob headed by James Willis, Town Constable, and others. I caused the man to leave his house, and camp on the common, near my office, all night, with his family."—

This is the evidence of the Agent of the Freedmen's Bureau.—

"A white man doing business in Hamburg, told me he would not go across the plaza to vote, for all the debts that were due him and his stock of goods, which amounted to $20,000. I heard threats made for weeks before the election, that the negroes should not vote in Ashley County; if they did they would be exterminated."

I merely wish to place these facts before the Convention. I do it, in the capacity of a member of the Committee on Elections, as a duty. I have no personal feeling in this matter, and submit these facts to the Convention, merely as a member of the Committee.

Mr. WILSON. I would just remark that I regret that the gentleman has presented the summing up of that evidence; for if that practice should be carried out, it would break the election in our County, sure! Many men there threatened that after the election they would turn off the freedmen employed by them, because they voted against the Convention ticket; and we made no fuss about it,—because, we were elected. Some even threatened to cut their freedmen's throats on that account; and we made no fuss about it,—because, we were elected. [Laughter.]

Mr. HINDS. As it seems, from the evidence, that this state of things exists in Ashley County, I think the testimony elicited before the Committee should go to the world, so that the constituency of those gentlemen from that County who have seats upon this floor may know fully what testimony has been given, and how matters are represented as existing among them. If it is true that such a state of facts exists as is represented, it must be to the interest of every gentleman occupying a seat upon this floor, that the whole evidence should go to the world, so that it may be known that there are such things occurring in the State of Arkansas. And did I represent Ashley County here, I should certainly desire that course to be pursued. As I do not, but occupy a seat in this body, I am very desirous, as a representative of a portion of the people of this State, that this testimony may be printed to accompany the Report, so that the matter may be fully represented to the people of Ashley County, to the State of Arkansas, and to the people of this Republic.

Mr. CYPERT. I have no objections—I desire—that the whole facts should go before the country. But the synopsis of the testimony, as read by the gentleman from Jefferson [Mr. MALLORY], is not the whole testimony. I wish to call the gentleman's attention to one particular fact; and he will bear me out in the statement. The whole testimony was hearsay. These witnesses stated, before the Committee, that individuals had *told them* that these things occurred. As to the man cut with a bowie-knife, the statement was this: A. B. came to me, a day or two after the election and showed me a cut upon his breast, and told me that a certain individual had cut him because he voted the Convention ticket!—Is that the testimony to come before a court?

Mr. SARBER. The witness testified that he was acting officially, as Agent of the Freedmen's Bureau in that District; and the man came before him and made affidavit to the facts.

Mr. CYPERT. My understanding is that the witness said that he took depositions to these facts, and forwarded them to the commander of the Military District, General Ord. But he did say just as I have stated, that the individual came to him and told him he had been cut in the breast, and for that reason. Now, this only shows, if it were true, this state of facts. It did not interfere with the election. The election was over. The mere synopsis read indicates that these witnesses made these statements upon their own knowledge; whereas, it was all hearsay. If it was within their own knowledge, they were themselves culpable, for not having, before the elections, taken the precautionary measures necessary to prevent such occurrences in the County. These witnesses did *not* thus exhibit themselves as culpable, before the Committee. They said the information came before them through other parties, and that they took affidavits and forwarded them to General Ord. If these facts were properly recorded, I would be glad to publish the Reports to the world, and show what kind of testimony was elicited before the Committee.

Mr. SARBER. Inasmuch as the action of the Committee has been called into question, by the gentleman from Ashley, and others, we wish to introduce this testimony only in order to show upon what evidence we based our report. I think there is nothing wrong in that.

With regard to the statement of the gentleman from White [Mr. CYPERT], I will say that the evidence we have taken was given by the Registrars, and by the Agent of the Freedmen's Bureau in that County. These parties came before the Agent, and made affidavits to the facts. He merely testifies to these general matters; and, as we have stated in our Report, owing to the lateness of the day at which the investigation was entered upon, we had not the necessary time, and did not wish to incur the necessary expense, of sending for these witnesses; and we only reported upon the general facts which had come before us.

Mr. DUVALL. I can see no good growing out of all this talk. It is not tending to create harmony, union, and good feeling, here. Our constituents will not be benefited by it; and I think we should certainly cut this discussion short. I move to amend the motion to have the Reports laid on the table and printed, so as to strike out all of both Reports, except the resolutions admitting the delegates to their seats.

Mr. SARBER. I do not think that the proposed amendment is fair. It places the majority of the Committee in rather a peculiar position before this Convention. The action of the Committee has been criticized, by gentlemen here, upon the question of the facts being as reported; and the course of the Committee has been reflected upon, as being influenced by motives of a partisan nature. For that reason we desire to have the facts before the Convention.

Mr. DUVALL. I do not offer my amendment from any bad feeling, or any prejudice against anybody; but such discussions and debates as these are not tending to harmonize, or to create good feeling. No constituency in the State can be benefited by the discussion. I desire to drop the whole matter, and let it fall where it is.

Mr. McCLURE. I do not know that I understand what is meant. Every gentleman has succeeded in speaking his piece—he has manufactured all the capital, out of this question, that he will ever want. That is all that this discussion is for. These members are already admitted, and sworn in. A resolution admitting them would not place them in any better position than they are in now. An adoption or rejection of the Reports, or either of them, would not affect the parties. The discussion is entirely irregular; for it affects nothing, and the discussion of a question which affects no person or thing seems to me entirely out of order. There is no necessity for it; and it matters very little to the other fifty-seven counties outside of Ashley, whether there were frauds committed in the election there, or not. I cannot conceive that it makes any difference whatever. These gentlemen, I repeat, have their seats, under the resolution, already. It looks to me like perpetuating testimony after a conviction or acquittal; and I see no useful purpose to be subserved by it.

Mr. CYPERT. The motion of the gentleman from Lawrence [Mr. Duvall], proposes what I conceive to be just. The gentleman from Union [Mr. Wilson] had the same idea in his mind, and very forcibly expressed it. This matter was referred to the Committee, with instructions to do a certain thing. They failed to do that thing, and have done something else. Their instructions were, to inquire into the qualifications of the members, and not into their election. They have gone outside of their instructions, and have investigated an entirely different matter. I call for the reading of the instructions.

The SECRETARY read, from the Journal, of January 16th, the motion instructing the Committee on Elections, in the matter, and the amendment offered thereto, and adopted, as follows:

Mr. MATTHEWS, of Drew, presented the credentials of Messrs. MOORE and NORMAN of Ashley County.

Mr. BROOKS, of Phillips, moved to refer said credentials to the Committee on Elections.

Mr. McCLURE, of Arkansas, moved to amend by instructing the Committee on Elections to inquire into the qualifications of the members in question.

Mr. CYPERT. That is the point I made. It was argued, by the gentleman from Arkansas [Mr. McCLURE], that we had a precedent for examining into the qualifications of members elect. Some contended that we could examine into the question of their election; others that that point was determined by the General commanding, and that we could determine only the qualification. It was added, on motion from the gentleman from Arkansas, to instruct the Committee to inquire into the qualifications. The question raised was as to the loyalty of the members elect.

Mr. BROOKS. The gentleman is perhaps correct in part; but, certainly, not entirely. Whether the record shows the entire sense, or not, may be a question of interpretation. The simple fact of the motion to refer to the Committee on Elections the credentials, and so forth, was a reference of the entire subject of the election; and the motion of the gentleman from Arkansas [Mr. McCLURE] was understood, at least, whatever may have been its design, to be simply an addition. He added, to the instructions already proposed, that they should *also* examine into the qualifications of the members. On the theory of the gentleman from White County [Mr. CYPERT], what was the Committee to examine? If the examination was simply an inquiry into the qualifications of the members, what did we intend in the first place? It will be remembered that in the discussion of the subject we claimed the authority of the Convention to examine, by Committee, the credentials, and to investigate, and take testimony, with respect to the election of the members; and then the honorable gentleman from Arkansas moved his addition to the instructions.

Mr. MALLORY. With regard to the charge that the Committee went outside of their province, I have to say that the Committee did what they considered to be their duty, and reported back the result of their labors, for the action of the Convention.

Mr. MISNER rose to a point of order. The gentleman's remarks were out of order.

The PRESIDENT overruled the point of order.

Mr. MALLORY. The Committee have done what they considered their duty. They have reported to the Convention. It is for the Convention to accept or reject their report. It makes no difference to the Committee what action the Convention shall take. We acted without personal feeling in the matter.

Mr. HICKS. I move that the entire subject be postponed; and on that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. GANTT. I believe every member of the Committee on Elections has addressed the Convention on this matter. As is known to the Convention, I was the minority of that Committee. In the discharge of my duty as a member of that Committee, I considered it requisite to inquire specifically into the legality of the credentials. And I will say, just here, that in the deliberations of the Committee there was no partisan feeling manifested by the majority, towards the gentlemen, individually, who claimed seats as representatives from Ashley County. The largest latitude was given me in the cross-examination of the witnesses introduced, except in one or two instances, already referred to, when one of the witnesses stated that two white men had been intimidated by threats of personal violence. I asked the witness to give me the names of those citizens. He declined doing so; and I appealed to the Committee to compel him to answer. The Committee declined, but asked him to state the reason of his unwillingness to answer, which he did give; and the reason has been stated, very fairly and correctly, by the Chairman of the Committee.

When the testimony was concluded, the Chairman of the Committee, and, I believe, every member, expressed entire willingness to receive any testimony which the gentlemen claiming the seats, and whose credentials were in our hands, might desire to introduce. I asked the gentlemen if they desired to produce any testimony. They declined to do so; and it was at my suggestion, too, that they declined, on the ground that it would involve an unnecessary expenditure of time. They positively asserted that they could contradict all the testimony that had gone before the Committee; but to delay the matter until witnesses could be obtained, would do them or us no good. And after I told them, as I did, that the majority of the Committee was in favor of giving them their seats, and that if in future they could disprove testimony given before the Committee, the press was open to them, and the evidence could thus be published as fully and completely as if it were put into the Report of the Committee, they had no disposition to offer any rebutting testimony at the present time.

Well, sir, when we came to deliberate upon the report which was to be made, I stated that, to my mind, there was only a legal question involved, and that if I was correct in my conception of the question before us, a statement of the facts was unnecessary. I took the position, in opposition to the remainder of the Committee, that the right and power to determine the election and qualification of the members of this Convention, was vested in the General commanding the District, and not in this body. If I was correct in that, the facts amounted to nothing. There was the difference between us; and on that difference hinges the difference between the two Reports. So far as the conclusion was concerned, there was no difference.

I regret that some acrimony has crept into this matter. I regretted, exceedingly, to hear the insinuation of the gentleman from Phillips [Mr. BROOKS], that any of the party of convicts just brought to the Penitentiary, had any connection with the Democratic State Convention.

Mr. BROOKS. I wish to explain. I made no such insinuation. The gentleman is entirely mistaken.

Mr. GANTT. Well, sir, I understood the gentleman to say that it was a strange coincidence, and so forth; and he certainly did go on to speak at length of the numerous guards sent here as members of that Convention. I will state, and for the purpose of correction, that not one of those guards was a delegate to the Democratic Convention, and that they have all returned to their homes. The delegates to that Convention are in the City, with their credentials in their pockets, and had nothing to do with that guard. These insinuations and recriminations are unkind, to say the least of it. I am not disposed to indulge in recrimination; it is not my mode of sustaining or advocating a political principle. I am not disposed to enter into a canvass in this Convention. There will be, perhaps, a time when these things can be said upon the stump; but at this time they are out of place. I make these remarks merely in vindication of those gentlemen who came here as referred to, and of the Sheriff who came in charge of those prisoners.

If I understood the honorable member from Union [Mr. WILSON], he takes the same view of this matter that I do. He says this Committee was only charged with the duty of ascertaining whether these gentlemen from Ashley are furnished with proper credentials from the commanding General of the District, entitling them to seats in this body. If that is his opinion, he and I agree. And yet he jumped into my Report, and called it humbug, and said it was as long as the moral law, and four times as long. I may have had the misfortune not to make that Report as terse as I might have done; but because it is long, he ought not to reject the principle. If the report is correct in principle, its faults of style should not condemn it.

Mr. WILSON [Mr. GANTT *retaining the floor.*] If I understood the Report, the gentleman differs, very materially, from me. I contend that the Committee had a right to ascertain whether those gentlemen could take the oath. We have failed to prescribe, or to take, the oath which the Law anticipates. The Law declares that no person shall be eligible to a seat upon this floor, who is not able to take the oath of registration. And I said this body had a right, and has still a right, if there is any man here who cannot take that oath, to have him expelled. Of the result of the election, General Ord, as I hold, is the sole judge. Of the qualification to take the oath, I contend that we are the judges. I expected, when I came here, to have to take the "iron-clad" oath. General Ord has not determined upon the personal competency of these gentlemen.——

Mr. GANTT. I would like to know how much more the gentleman is going to inject into my speech. [Laughter.] I have but little more to say; and after the voluminous statement of the gentleman, there remains just that difference between us that there is between tweedle-dum and tweedle-dee. [Laughter.] He says General Ord settles the question of these credentials; and that position is the basis of my report. General Ord has exercised that power; and the papers show it,—that he has passed upon the election held, as indicated by the returns made by the Registrars of that County, upon which returns the commanding General has declared these gentlemen duly and legally elected, and entitled to their seats, and has summoned them here, by their names, by express order. In my judgment, the duties of this Convention, in respect of the title of members to their seats, cease when the members appear, submit the order constituting their credentials, and take the oath. As to the right of the Convention to require the members to do their duty,—that is, to be sworn,—nobody questions. The Reconstruction Act gives the Convention the power. The Reconstruction Acts limit our powers; and the Convention can exercise only such powers as are delegated by the original Act, and by the Acts supplementary and explanatory thereof.

As remarked by the honorable member from White [Mr. CYPERT], it is apparent, from even a casual examination of this matter, that all of the testimony before the Committee was hearsay testimony. The honorable member from Johnson [Mr. SARBER] undertook to avoid that objection, by saying that the evidence came in the shape of testimony taken before the Bureau Agent. That still leaves it hearsay. We had before the Committee only the statement taken under the oath administered to the Registrar, and to the Freedmen's Bureau Agent, that these parties had made these affidavits before the witness, and that he had forwarded them to General Ord, after the forwarding of the returns of the election. It is still hearsay testimony; give it its utmost limit, regard it most favorably, and it is still mere hearsay, a species of testimony upon which the courts never look with allowance.

Another point has been raised, in regard to the conduct of even the United States soldiers in the County of Ashley. It is not absolutely asserted that they took an active part in any outrages; but at all events they were lawless. That has nothing in God's world to do with the result of the election. If those soldiers were untrue to their flag, if they demeaned themselves in such a way as to make themselves objectionable to their Government, the officers, or the privates themselves, should have been punished, and punished promptly. But if it becomes necessary for the Convention to enter into a consideration of that testimony, let us look at it, and see what it amounts to. Of course, when we come to consider that testimony, it is our privilege to look at all the circumstances that will throw a doubt or question, as to truth, around it. These witnesses testify that the voters were intimidated in open day. It is stated that a man in a store,—in the presence, and hearing, too, of the Registrar, who, under the Reconstruction Act, had the power to arrest him;—declared that if another man present belonged to the Union League, he would kill him, and if he should vote the Radical ticket, he would kill him anyhow. He was not arrested. There was a company, or more, of United States soldiers quartered in the town, and sent there for the express purpose of protecting the people and enforcing the Reconstruction Acts. Still no arrests were made; all this intimidation went on; all these threats continued to be published. Men were driven from the polls, men were attacked with bowie-knives, menaced with being driven from their homes, without meat or bread, and threatened that they would receive no employment for the future. With all this protection around them, with soldiers to guard them, this intimidation of citizens entitled to the elective franchise, under the Reconstruction Acts, went on without let or hindrance. It is unreasonable—it is unreasonable under any other hypothesis than that of a wilful disregard of duty by the officers there, military and civil. Well, if they take this to themselves, if they wish to publish to the world that they have been remiss in their duty, that they have sat still and seen the law violated, that they have held their peace and held their hands, while they have seen justice murdered, and citizens driven from the polls, by threats—if they want to take that to themselves, let them take it! The testimony, taken as it stands, shows a wilful, gross, and, I will say, criminal neglect of duty, on the part of the officers, civil and military.

But there is another side to this question of threats and intimidations and lawlessness and outrage. And I desire that the facts, as they appear in this Report of the Committee, shall go to the country and to the world. If the parties feel that they or their County are involved in the matter, the good people of Ashley County can publish to the world the reverse of that question, and show the other side of the picture. It is asserted, by men of unquestionable truth, that the testimony taken before the Committee can be contradicted, in general and in particular. Let the facts go to the world; and then let the good people of Ashley vindicate themselves by the publication of the other side of those facts. I have no disposition in the world to avoid, for the people of Ashley County, or that portion of them who agree with me in politics, any odium, if odium should justly attach to them. I am certain that the representatives of that constituency, upon this floor have no desire to shield their constituents from odium, if entitled to it by frauds and intimidations in the election.

General Ord says that if the entire vote cast in Union Precinct were thrown out, or placed as a unit on either side, it would not alter the result. Here seems to be another discrepancy. There were seventy-five voters, white and black, in Union Precinct, and at least fifty voted. Yet the Registrars say the majority in that County was only eighteen. Of course, if that was the case, and we put the vote of Union Precinct as a unit upon the other side, the result *would* be changed. Either General Ord is wrong or the Registrars are wrong. There is an error somewhere. The Registrars say there was a difference of only eighteen votes. I cannot reconcile the two statements. It is not my right or privilege, under the Reconstruction Acts, to question the soundness of General Ord's position. He has had the returns before him; he has solemnly declared that Messrs. NORMAN and MOORE were duly elected, and are entitled to seats in this body. If the testimony before the Committee is true, it contradicts the official announcement of the commanding General.

I intended to say nothing; and when this discussion commenced, I determined, in my own mind, not to open my mouth; but the discussion has taken such a broad scope, that I felt it, and feel it now, to be justice to myself to make these statements. My report was based upon the theory that we had nothing to do with the legality of the election; that the only question was whether Messrs. NORMAN and MOORE had a right to their seats; and I so reported, and concurred with the majority in the recommendation that they be permitted to assume their seats. But whilst the testimony taken did not affect the question of their right to admission, still the majority felt it proper and necessary to report the facts to the Convention. I had no objection to that; I did not object to their embodying in their Report the facts, if they had adopted my principle, and added the facts to it. I wanted the facts to go to the world; and I still so desire.

Mr. DALE. I did not intend to say one word in regard to this matter, and do not now intend to say many. But I wish to set myself right, as well as the majority of the Committee. As I understand the question now, it stands about thus. There is a motion, before the Convention, to lay the Report on the table, and have it printed. The gentleman from Lawrence [Mr. DUVALL] introduces a motion for an indefinite postponement of the whole matter. Now, sir, I hope the motion of the gentleman from Lawrence will not prevail; and for this reason. The gist of the speech of the gentleman from Ashley County, as I regard it, is, that he not only questions the legal right of the Committee on Elections to take the testimony, as heard before the Committee, but brings in question the motives actuating the Committee.

Mr. NORMAN. I beg leave to correct the gentleman, as far as my remarks are concerned. I had no such intention.

Mr. MOORE. *I* certainly had no intention of questioning the motives of the Committee, in the least.

Mr. DALE. I stand corrected, then. That was my understanding of the gist of the speech; that it brought in question not only the right, but the motives, of the Committee. So far as I am concerned, I wish to say that it makes little difference to me, what men think about my motives. I did what I believed to be right in the premises; and my reason for hoping that the motion of the gentleman from Lawrence will not succeed, is——

Mr. DUVALL. I wish to correct the gentleman in regard to my motion. It was, to amend the motion proposing to print, by striking out all of the Reports of both the majority and minority of the Committee, except the resolution.

Mr. DALE. At any rate, my earnest desire is that the testimony and Report shall be printed, and go to the world. I do not propose to permit any man to sit here as a jury, to decide whether my motives are correct or incorrect. I am willing that the people of the State shall judge as to the right of the matter, when it shall be laid before them.

Mr. BROOKS. I desire to explain, very briefly. I have not participated in the discussion, and do not propose to do so. My response with reference to the comparison between the Counties of Ashley and Phillips, was simply to offset the reflections of the honorable member from Ashley [Mr. MOORE], respecting my "loyal" constituency. I did not, in my remarks, allege either that the convicts were members of the Democratic Convention to be assembled here on the 27th instant, or that the guard who came with them were members. I simply said, as the honorable gentleman from Prairie [Mr. GANTT] finally stated it, that it was a remarkable coincidence, and that it was a singular fact that it should require thirty-two men, at an expense of fifteen hundred dollars, to guard a small squad of colored convicts from Helena here.

Not having participated, at all, in the discussion of the question upon its merits, I feel at liberty, especially after so long a time has been consumed in the debate upon the subject, to move, as I do, the previous question.

Mr. GREY, of Phillips. As we all have to vote conscientiously in this matter, I wish to state my reasons——

Mr. BROOKS. I must insist upon the motion for the previous question being put.

Mr. GREY. I do not think it fair to cut off debate in this way.

Mr. BROOKS. I would say, notwithstanding the remark of my colleague, that I have no desire to treat any gentleman with unfairness.

Mr. KYLE. I hope the Convention will not sustain the call; because——

The PRESIDENT. Debate is out of order.

The question was taken on the call for the previous question; and, a division being asked, the call was sustained,—Ayes 37, Noes 17; so it was ordered that the main question be put.

The PRESIDENT ruled that the question before the Convention, under the operation of the previous question, was the motion that the Report of the majority of the Committee on Elections lie upon the table, that one hundred copies be printed, and that the same be made the special order of the day for Tuesday, January 28th.

The question was taken upon that motion, and, a division being called for, it was decided in the negative,—Ayes 22, Noes 25.

Mr. BROOKS. I move that the Convention now adjourn.

Mr. KYLE. I ask that the motion be withdrawn, to enable me to move that when the Convention adjourns, it adjourn to Tuesday morning. It is understood that there is a meeting of the Democracy on the——

The PRESIDENT. The motion to adjourn not being withdrawn, the gentleman's remarks are out of order. The Chair regrets that motions of this nature are not made in time. The Chair endeavors to state fairly the question before the Convention; and when the vote has been begun, or when motions not admitting of debate are pending, the rules must be strictly enforced.

Mr. BROOKS moved that the Convention adjourn.

The question was taken on the motion to adjourn; and the motion was agreed to;

And thereupon, at 12.30, P.M., the Convention adjourned to 10, A.M., of Monday, January 27th.

SEVENTEENTH DAY.

MONDAY, *January 27th*, 1868.

Convention met at 10, A.M.

Prayer was offered by the Chaplain.

The roll was called; and the following members answered to their names:

Messrs. Beasley, Belden, Bell, Bradley, Brashear, Brooks, Coates, Corbell, Cypert, Dale, Duvall, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hollis, Hodges of Crittenden, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Matthews, Merrick, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Moore, Norman, Oliver, Owen, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Reynolds, Rounsaville, Samuels, Sarber, Scott, Shoppach, Sims, Smith, Snyder, Van Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President.

SICK.—Mr. Sams.

A quorum of the members of the Convention having answered to their names:

The Journal of the preceding day was read and approved.

ADJOURNMENT.

Mr. MONTGOMERY moved that the Convention adjourn until the morrow morning at ten o'clock.

Mr. CYPERT asked to make an explanation. He was aware of the object of the motion; but the supposed necessity for it did not exist. He hoped that when the Convention should adjourn, it would be to the day after the morrow; but there was no reason why the Convention should not at the present proceed with business. The Convention which was to meet in the City, would on this day do nothing more than to make preliminary arrangements.

ASHLEY COUNTY ELECTION—RESUMED.

The PRESIDENT announced, as the unfinished business before the Convention, the consideration of the Reports from the Committee on Elections, on the Ashley County Election;

And, by consent, that question was taken up, to the exclusion of the regular order of business.

Mr. HINDS. I do not understand the actual situation of the subject before the Convention. For the purpose, however, of getting the matter before the Convention, I shall move that the Majority Report be adopted, and that the accompanying evidence be printed.

Mr. BRADLEY. I move, as a substitute for that motion, that both Reports be laid upon the table.

Mr. BROOKS inquired of the Chair the attitude of the question before the Convention.

The PRESIDENT. The Chair understands that the Reports were left in the same attitude as when first presented to the Convention, and that they are now subject to any motion. The question on motions entertained by the Chair, on Saturday, was not put, from the fact that the Chair believed the motions to have been in the first instance erroneously entertained. The Chair does not understand a motion to lay upon the table, print a certain number of copies, and make the subject the special order of the day for a day named, to be capable of amendment, except in regard to the last two particulars. The Chair, having improperly entertained the amendments, ignored them. The Convention refused to lay the Reports upon the table and order them printed. The Chair erroneously,—as, upon investigation of the authorities, he is convinced,—entertained certain motions which should in the first instance have been ruled out of order. The Chair does not desire that the decision made on Saturday, as to the effect of an order of the previous question, should be taken as a precedent. The question should, properly, have been taken first upon the motion for indefinite postponement, and then upon such other legitimate amendments, if any, as were before the Convention.

The gentleman from Pulaski [Mr. Hinds] now moves that the Majority Report be adopted, and be printed, together with the accompanying evidence. The gentleman from Bradley [Mr. Bradley] moves, as a substitute, that the consideration of both Reports be indefinitely postponed. The question will be upon the substitute.

Mr. HICKS asked for the yeas and nays.

The yeas and nays were ordered.

Mr. HINDS. I desire to say a word before the question is put.

The PRESIDENT. The question is not debatable.

The question was taken; and it was decided in the negative,—Yeas 33, Nays 35, as follows:

Yeas: Messrs. Beasley, Bradley, Coates, Corbell, Cypert, Duvall, Evans, Gantt, Hicks, Hollis, Hodges of Crittenden, Hoge, Kyle, Mason, Matthews, Merrick, Misner, McCown,* Moore, Norman, Owen, Portis, Puntney, Rawlings, Reynolds, Rounsaville, Samuels, Shoppach, Sims, Van Hook, Walker, Wilson, and Wright—33.

Nays: Messrs. Belden, Bell, Brashear, Brooks, Dale, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Langley, Mallory, Millsaps, Montgomery, Murphy, McCown,* Oliver, Poole, Priddy, Rector, Sarber, Scott, Smith, Snyder, White, Williams, Wyatt, and the President—35.

So the Convention refused to indefinitely postpone the consideration of the Reports.

The question recurring upon the motion that the Majority Report be adopted, and be printed, with the accompanying evidence,

Mr. MOORE said: I move to amend that motion, by adding the Minority Report.

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* By manifest inadvertence, the name of Mr. McCown is in the Journal recorded and counted both among the Yeas and the Nays.—Reporter.

Mr. WILSON [*in his seat.*] I propose to add to that, Mr. NORMAN's defence.

After some discussion as to the parliamentary aspect of the question,

Mr. MOORE explained that his intention was, not merely to add, to the motion of the gentleman from Pulaski [Mr. HINDS] a provision for the printing of the Minority Report, but to renew the motion of Mr. CYPERT that the Minority Report be adopted, and that it be printed with the evidence.

Mr. CYPERT contended that the Minority Report necessarily took precedence of that of the majority.

The PRESIDENT. The books treat the Minority Report as only something to be tolerated. Whatever may be the opinion of the Chair as to the parliamentary propriety of a proposition to substitute a majority report for that of a minority, the Chair will, since it is now renewed and insisted upon, consider the motion of the gentleman from White [Mr. CYPERT],—made when the Reports were first presented to the Convention,—for the adoption of the Minority Report, as the question primarily before the Convention, and will consider the motion of the gentleman from Pulaski [Mr. HINDS], to adopt the Majority Report, and print it, together with the accompanying evidence, as a substitute therefor. The question will be upon the adoption of the substitute.

Mr. McCOWN. I shall oppose the motion, for this reason. When the claims of the gentlemen from Ashley were presented to this body, they were referred to the Committee on Elections. The business of that Committee was, to inquire whether these gentlemen were entitled to their seats. That was their only business. I do not think that question should be cumbered with facts irrelevant to the particular issue. If gentlemen want a report of the evidence in regard to the general conduct of the election in Ashley County, there is a legitimate way in which it can be reached. In the proper shape, I should be willing and anxious to obtain information, from any part of the State, in regard to the conduct of elections; but to encumber this special question of the right of these gentlemen to their seats in this body, with evidence which does not affect the matter at all, I consider improper; and I shall oppose it.

Mr. HINDS. As a member of the Committee on Elections, I wish to say a word. I understand the gentleman from Ashley [Mr. NORMAN] to say that the statements of the Majority Report of that Committee are not borne out by the facts elicited in evidence. The object of this motion is, to exculpate the Committee from that charge. I desire, particularly, that the evidence heard shall be published to the world. It should be to the interest of the gentlemen who represent Ashley County, to see that this is done. If the people of Ashley County claim that the evidence is untrue, they have abundance of opportunity to rebut it. In justice to the gentlemen representing that County, that should be the action of this Convention. The gentleman from Prairie [Mr. GANTT], who presents the Minority Report, is in favor of the publication of the testimony taken before the Committee. I particularly desire it; and that the Majority Report shall be accompanied by the evidence taken before the Committee. It is but justice, also, to the Registrars of that County, upon whom some reflections have been cast by one of the representatives of Ashley, that this evidence should go before the world, and that names, dates, places, and all, should be published, in order that we may know what action to take hereafter, in cases where such outrages may take place as are here charged.

Mr. CYPERT. I shall certainly call for a division of the question, when the vote shall be taken; meantime, I would offer these remarks. I am opposed to this Convention paying for the printing of that testimony. I am desirous, however, that it be printed, and go before the world, in order that these gentlemen may have an opportunity to refute it. I feel confident that they can do so. But for this body to pay the expense of printing a batch of trash—of political documents,—for the purpose of pandering to petty political influences, I take to be out of the purview of the Convention. I do say, however, that I wish the whole matter to go before the world, that these gentlemen may be afforded the chance to contradict the batch of stuff which is offered here as testimony. The result which I desire can be arrived at only by a division of the question, so that we may vote separately upon the questions of the printing of the testimony and of the adoption of the Report. Some gentlemen may wish to adopt the Report, who would not be in favor of expending the money of the State in printing this trash. At the same time, I want to see how gentlemen propose to vote upon the subject; and I shall call for the yeas and nays on the question of the adoption of that Report—I want to see whether gentlemen are going, by adopting the Report, to assume as facts, statements "proven" by testimony that could never have been introduced before any court of record in the world—altogether hearsay—mere rumors—testimony, also, which, if true, shows that the witnesses have been derelict in their duty as sworn officers of the country. If gentlemen are ready solemnly to declare that report to be true, I want to see their names.

Mr. MOORE. I desire to say but little. I will state that neither Ashley County, nor Ashley County delegates, at any time shrink from the publication of this testimony. At the same time, the publication of one report, without the other, does us injustice. I hope, then, the gentleman from Pulaski [Mr. HINDS] will amend his motion, so as to provide that both Reports shall be printed, and that no action shall be taken until they are printed, together with the testimony. I hope the gentleman will be magnanimous enough for that. I believe he has some feelings of magnanimity about him; and I believe he will come up to the rescue of my people, in that way, if he expects to travel among them. He expects to visit us, to associate with us; and of course he would wish that Ashley County should have justice. We do not shrink, at all, from the printing of the testimony. We are willing to be held up before the world in just the attitude in which we ought to stand. All that we want is, to have the facts before the world; and I do hope that the gentlemen on the other side will consent to the publication of the whole matter. Let the world read it—let Ashley read it—let Benton read it—let Crittenden read it—let it be read all over Arkansas.

We come here for one common purpose. Ashley County has already cost the State of Arkansas three thousand dollars, in order that my colleague [Mr. Norman] and myself might take a seat in this body. I want this question disposed of. I am tired of hearing of the "Ashley County case"—it worries me—it worries me exceedingly. I hope that all that has been said upon this floor, and all that has been elicited as testimony in the committee-room, will be published, and that the whole matter will then be laid upon the Secretary's table, and never referred to again. Let the world know that there are some reckless boys in Ashley County. There are such in every county in Arkansas, and in every county in the United States. I am not confined, in my observations, to Arkansas; I have been in other parts of the United States. I know that there are reckless and foolish young men in every part of the country. I know that all parties, everywhere, at elections, use their most vehement energy, in working for their friends. They do so in Arkansas; and they will continue to do so; for a man in Arkansas, when he is a friend to another, sticks as close as a brother. I am glad it is so.

I repeat the expression of my hope that gentlemen will consent that both Reports, with the accompanying evidence, be printed, and that until that time no action shall be taken. There are many gentlemen here who have not read the testimony. They have only heard it read. They do not know all the facts. I want them to read it carefully—to take it with them to their retirement, and to look at it just as would a jury who had retired to their jury-room to make up a verdict.

Mr. HINDS. I think there is no disposition, upon the part of any gentleman, to exclude the publication of the Minority Report. It is but justice to the other party that that Report should accompany the Report of the majority. We have no objection to that. We desire that the Majority Report be adopted, and shall insist upon its adoption; and we think it but just and proper that the evidence should accompany it, in answer to the reflections which have been cast upon the Committee.

Mr. HODGES, of Pulaski. I did not intend to say any more on this subject. I offered a motion, the other day, that the entire matter be printed, and made a special order. I think it is unusual to adopt and then print. For if we adopt a report, that ends the matter. I do not know that we then need any printing. It was in order that we might vote intelligently, that I offered my motion, the other day, that both Reports be laid upon the table and be made the special order for another day,—in order that we might read, digest, understand, and vote accordingly. I have no objections, now, to the immediate adoption of the Majority Report; but if we are to take that course, we do not need the Report printed.

Mr. BRADLEY. I do not see, sir, for my life, how this Convention has cognizance of that Report, otherwise than as it involves the contest as to a title to seats upon this floor. If so much of that Report as recommended Messrs. NORMAN and MOORE to take their seats as delegates from Ashley County was adopted, we certainly adopted as much of the Report as we had any occasion, or any right, to adopt. If there is any outside testimony, having relation to political parties and political aspirations, it certainly is matter on which the State is not to go to any expense. I do not think any man here wants, when he goes home, to find himself placed upon the record as voting to take the time and money of the State for the purpose of circulating a political document. We have attended to all over which we have jurisdiction; and here we are wasting time and money, merely to gratify political ambition, on one side or another. I regard such a course as simply ridiculous. If there is anything, in either of these Reports, involving the political character and standing of either of the parties, it behooves them, in their own vindication, to see that it is published. It behooves not us, as a convention, after the only legitimate question, that in regard to the title to seats, has been settled, and the gentlemen are actually occupying their places, to be making speeches for and against a measure upon which we have already passed, and simply because it will have an outside influence in this direction or in that, and bolster up this, that, or the other party. This Convention is to be considered a body separate and apart from political influences,—to legislate for the good of the country, and not to compromise its dignity by delving down into the low places of political contest, and spending the hard earnings of the people in the mere interest of party. I protest against this proceeding. We have indulged in enough of this kind of legislation. In the name of God, let us have done with it! let us wash our hands of it, and no longer turn aside to dabble in the muddy waters of personal political conflict! When we have decided the question legitimately before us, we have decided all that the civilized and intelligent world will recognize as our affair. The main issue has been settled; and we are fooling away our time, and robbing the Treasury of the hard earnings of the people.

Mr. SARBER. From the remarks of the gentleman, I do not think he has heard the Report of the Committee.

Mr. BRADLEY [*in his seat.*] Better posted than you think I am.

Mr. SARBER. Probably better. The question at issue between the Majority and Minority Reports is, whether we have the right to determine the qualifications of members. We ask that the matter may come before the Convention. We have said nothing, to the world, to bolster up any political party, or set of men; we have asked only that the whole matter go to the Convention, since gentlemen upon this floor have represented the Committee as actuated by partisan motives, and have also characterized the testimony of the witnesses as false, and wilfully false. We ask only that the Convention shall decide the question for themselves, and take the onus from the shoulders of the Committee. That is all we ask. We shall insist upon the adoption of the Majority Report.

Mr. BEASLEY. I stand here as one of the representatives of twenty-one hundred registered voters, and as one of the representatives of the tax-payers on a million of property. I conceive, sir, that the mere reference of the matter under discussion, to the Committee on Elections, was not, perhaps, inappropriate; and I conceive that when that Committee reported that the gentlemen in question were entitled to their seats, that was all we had to do with the matter. With evidence outside of that, we have nothing to do; and I am determined, when I go home, to show to the people of Columbia County that I opposed the lugging in of any measures, whatever, that would tax the people to the extent of three days' labor of this Convention, for a matter wholly irrelevant to the object for which we assembled. I must therefore cast my vote against the proposition. Three days have now been expended, here, about nothing. The Committee has reported that the gentlemen were entitled to their seats. That Report precludes all testimony outside of the particular question involved. Suppose we undertake to ferret out all the frauds, and look up all the threats, that have been used, in this wretched canvass through which we have all passed. If that is to be done, you may go to Columbia County, and find that men were threatened and intimidated, to keep them from the polls. You will find the same state of facts in any county in the State. But we have succeeded, and the commanding General has decided that we are entitled to our seats. He has decided that these gentlemen are entitled to their seats; the Committee has decided that they are so entitled: and what more do we care for? Do we care to publish rumors, in regard to this election, that may result in the taking of lives in that County? We should be peacemakers. I am a peacemaker; and in being so I am happy in the knowledge that happy is the man who will strive to cover the faults and foibles of his fellow-beings. They have done wrong, perhaps, in Ashley County; but these gentlemen have their seats, under the decision of the military commander, and of your honorable Committee. What more do we care to know?

I shall oppose the motion to print the Report.

Mr. KYLE. I did not propose to have anything to say upon this question, for the express reason that I did not desire to consume the time of the Convention in the discussion of so unimportant a matter. I regard it as unimportant, for the reason that the members from Ashley County were admitted to their seats, and that both the Majority and Minority Reports reach the same conclusion. I did hope we would not spend so much time in a discussion of the propriety of publishing these Reports, after a conclusion had been reached. If, however, the Majority Report is to be published, most assuredly the Minority Report should be published also. Let those who may be interested in the question, see both sides. I see no great unfairness in either of the Reports. That the Committee had a right to come to the conclusion that informalities, and illegal acts, had taken place in Ashley County is undoubtedly true. The testimony so states. I shall not undertake, at all, to decide upon the credibility of that testimony. I take it to be true, as I would in the case of any other testimony, until it is impeached and disgraced. The Minority Report simply recites the course prescribed by the Reconstruction Acts, with regard to the election and admission of members. For the very reason that nothing can be practically accomplished by pursuing this matter, I voted for its postponement. If, however, the Convention desires the publication of the Majority Report, why then, in the name of common sense, publish the other with it.

With these views, I move to amend the motion of the gentleman from Pulaski [Mr. HINDS], by including, in the order of publication, both Reports. Then, everybody who wishes to make capital out of them, hereafter, may examine them, if they so desire. For my own part, I have no use for them.

Mr. GREY, of Phillips. It will be remembered that when the credentials were presented, I voted for the admission of these gentlemen to their seats; and as the two Reports start from different sources, to reach the same point, it will be difficult for me to vote upon this question, unless both Reports shall be included. I suppose all deliberative bodies in this country set out from the principles laid down in the Constitution of the United States. In Article I, Section 5, of that article, it is provided, in regard to the Congress, that

> "Each house shall be the judge of the elections, returns, and qualifications of its own members."

In this case, these two propositions, in my opinion, have been divided, from the simple fact that the supplementary Reconstruction Act, Section 4, contains the following provisions:

"*And be it further enacted*, That the commanding general of each district shall appoint as many boards of registration as may be necessary, consisting of three loyal officers or persons, to make and complete the registration, superintend the election, and make return to him of the votes, list of voters, and of the persons elected as delegates by a plurality of the votes cast at said election; and upon receiving said returns he shall open the same, ascertain the persons elected as delegates, according to the returns of the officers who conducted said election, and make proclamation thereof; and if a majority of the votes given on that question shall be for a convention, the commanding general, within sixty days from the date of election, shall notify the delegates to assemble in convention, at a time and place to be mentioned in the notification."

Now, sir, according to my idea, this section of the Reconstruction Act, as I have before remarked, divides itself into these two grand propositions. It makes the commanding General, in the first place, the judge of the election returns; and under that idea I voted that these gentlemen might take their seats. As regards the qualifications necessary, I make no doubt that this body retains the power to examine, if necessary, into those qualifications, or into any irregularities that may come to their knowledge. That is a different matter, and may be investigated, upon proper information, after delegates have taken their seats. I presume the Majority Report assumes the right to examine the qualifications of the members. The Minority Report speaks simply in regard to the right of these gentlemen to their seats, on the ground of the validity of their elections. Under the decision of the commanding General, I must vote to allow them to take their seats. As to their qualifications, I might have my own opinion. But as both Reports come to the same conclusion, I am willing that both be printed, and that the matter rest there.

Mr. McCOWN. I am opposed to printing either. I think it wholly unnecessary. The gentleman from Pulaski [Mr. HINDS], who followed me when I was on my feet before, misunderstood me. I have no disposition to keep any of these facts from the world. I think it is out of time, to print them in this connection, and that it is out of order. Nothing is more clear to my mind than that the only fact which the Committee had to report upon was as to the eligibility of the gentlemen from Ashley, to their seats. That question has been determined; and the gentlemen occupy their seats. The gentleman from Johnson County [Mr. SARBER] says it is a matter of justice to the witnesses, who have been discredited, upon this floor, by the gentlemen from Ashley. We do not sit here as a jury, to try a question of veracity between the witnesses and the gentlemen from Ashley County. That, they may settle upon some other field, and in some other form.

It would not be improper for the Committee to lay these facts, in a separate report, before this Convention, for its action; and I have no objection to their so doing.

Mr. SARBER. The gentleman must, manifestly, have misunderstood me. I said that, as a committee, we had no right to examine into the credibility of these witnesses, until they were impeached; and that we wished permission, merely, to introduce the evidence upon which we acted, in order to show the Convention the basis of the Report which we submitted.

Mr. McCOWN. That does not materially change the attitude of the question. The main question for that Committee to decide, was upon the eligibility of the gentlemen from Ashley County, to take their seats. If it is necessary to carry out the object which the gentleman names, the proper method of attaining the object is by a separate report.

The PRESIDENT. The Chair will state the question. The gentleman from White [Mr. CYPERT] moves the adoption of the Minority Report. The gentleman from Pulaski [Mr. HINDS] moves, as a substitute, the adoption of the Majority Report, and that it be printed, with the accompanying evidence. The gentleman from Dallas [Mr. KYLE] moves that both the Reports, together with the evidence, be printed.

After some inquiry as to the attitude of the question before the Convention,

Mr. KYLE stated that he would greatly prefer that neither report should be printed, but that if either was to appear in that form before the Convention, both should so appear.

Mr. MATTHEWS asked whether a substitute for the entire proposition would be in order.

The PRESIDENT. An additional amendment, in the nature of a substitute, would be in order.

Mr. MATTHEWS. I move that the Majority Report be respectfully referred to the Republican State Central Committee, and the Minority Report to the Democratic State Convention now in session. [Laughter.]

Mr. SMITH called for a division of the question, first upon the adoption of the Majority Report, and then upon the order to print.

The PRESIDENT. The call will be in order after the Convention shall have decided upon the substitute, and upon the last amendment.

Mr. WILSON. I wish to know why, if the Report is adopted, we propose to make it a special order of the day. If the Report is adopted, what more do we want of it?

The PRESIDENT. The only province of the Chair, is, to state the question before the Convention. The question is upon the substitute offered by the gentleman from Drew [Mr. MATTHEWS.]

Mr. HODGES, of Pulaski, asked for the yeas and nays.

The yeas and nays were ordered.

Mr. CYPERT. I apprehend that the gentleman's substitute was offered merely in levity.

Mr. MATTHEWS [*in his seat.*] No, sir.

Mr. CYPERT. It seems to me, however, that the substitute is not in order. We cannot refer a proposition, brought before the Convention, to any body outside of this. It might be very proper, in itself, to take the course which the gentleman indicates; but I do not see that it is in order.

The PRESIDENT. The motion is in order.

The SECRETARY began the calling of the roll, when

Mr. CYPERT appealed from the decision of the Chair.

The PRESIDENT. It is too late to raise the point of order, as the SECRETARY has already called one name.

The vote was then taken [amid much laughter] upon the adoption of the substitute; and it was decided in the negative,—Yeas 10, Nays 51, as follows:

YEAS: Messrs. Beasley, Bradley, Hicks, Kyle, Matthews, Puntney, Rounsaville, Walker, Wilson, and Wyatt—10.

NAYS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Corbell, Cypert, Dale, Duvall, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hollis, Hodges of Crittenden, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McClure, Owen, Poole, Portis, Priddy, Rawlings, Rector, Samuels, Sarber, Scott, Shoppach, Sims, Smith, Snyder, Van Hook, White, Williams, Wright, and the President—51.

So the substitute was rejected.

Pending the call of the roll:

Mr. CYPERT (when his name was called) said: I ask to be excused from voting upon this question, because I look upon it as wholly out of order, and as seeking an object which, of course, we cannot reach.

Mr. HODGES, of Pulaski, objected.

Mr. CYPERT. I vote No.

Mr. McCOWN (when his name was called) said: I think there is where both papers should go; yet, knowing that we have no right to send them there, or any means of so doing, I vote No.

Mr. MOORE (when his name was called) said: I would like to be excused from voting. [Cries of "No!" "Face the music!"] [Renewed merriment.] It is so ridiculous, to go to the world!

The SECRETARY. Mr. MOORE!

Mr. MOORE. No! [Fresh laughter.]

Mr. SARBER (when his name was called) said: I think this proceeding is very frivolous, unbecoming, and out of place. I shall vote No.

The vote was then announced, as above.

The question was then taken on the amendment providing that both

Reports, with the accompanying evidence, be printed; and the motion was agreed to.

The PRESIDENT announced the question to be upon the substitute, for the adoption of the Majority Report, in lieu of that of the minority.

Mr. MONTGOMERY desired to see the Reports printed, together with the testimony, before he should be called to act upon either; and with a view to vote understandingly would move to defer the consideration of the question upon the adoption of the Report, until Monday, February 3d.

The question was taken; and the motion was agreed to.

AMENDMENT AND REVISION OF CONSTITUTION.

Mr. HODGES, of Pulaski, moved that the rules be suspended, in order to allow the presentation of reports of committees.

The question was taken; and the motion was agreed to.

Mr. KYLE, on behalf of the Committee, presented the following

REPORT OF COMMITTEE ON AMENDING AND REVISING CONSTITUTION.

To the President and Members of the Constitutional Convention:

The Committee on Amending and Revising the Constitution, have had the same under consideration, and beg leave to report:

The General Assembly may, at any time, after the year eighteen hundred and seventy-three, propose such amendments to this Constitution as two-thirds of each house shall deem expedient, which shall be published in all the newspapers published in this State, three several times, at least twelve months before the next general election; and if, at the first session of the General Assembly after such general election, two-thirds of each house shall, by yeas and nays, ratify such proposed amendments, they shall be valid to all intents and purposes as parts of this Constitution. *Provided,* That such proposed amendments shall be read on three several days in each house, as well when the same are proposed as when they are finally ratified.

G. H. KYLE,
Chairman Committee.

Mr. HODGES, of Pulaski, moved that the Report be laid upon the table, that one hundred copies be printed for the use of the members of the Convention, and that it be made the special order of the day for Friday, January 31st.

The question was taken; and the motion was agreed to.

PREAMBLE TO CONSTITUTION, AND BILL OF RIGHTS.

Mr. BROOKS, on behalf of the Committee, presented the following

REPORT OF COMMITTEE ON PREAMBLE AND BILL OF RIGHTS.

CONSTITUTION OF ARKANSAS.—1868.

PREAMBLE.

We, the people of the State of Arkansas, grateful to God for our civil and religious liberty, and desiring to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this Constitution:

ARTICLE I.

BILL OF RIGHTS.

SECTION ONE. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people; and they have the right to alter or reform the same whenever the public good may require it. But the paramount allegiance of every citizen is due to the Federal Government, in the exercise of all its Constitutional powers, as the same have been or may be defined by the Supreme Court of the United States: and no power exists in the people of this or any other State of the Federal Union to dissolve their connection therewith, or perform any act tending to impair, subvert, or resist, the supreme authority of the United States. The Constitution of the United States confers full powers on the Federal Government to maintain and perpetuate its existence, and whensoever any portion of the States, or the people thereof, attempt to secede from the Federal Union, or forcibly resist the execution of its laws, the Federal Government may, by warrant of the Constitution, employ armed force in compelling obedience to its authority.

SECTION TWO. The liberty of the press shall forever remain inviolate. The free communication of thoughts and opinions is one of the invaluable rights of man, and all persons may freely speak, write, and publish, their sentiments on all subjects, being responsible for the abuse of such right. In prosecutions for the publication of papers investigating the official conduct of officers, or men in public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence.

SECTION THREE. The citizens have a right, in a peaceable manner, to assemble together for their common good; to instruct their representatives, and to petition for the redress of grievances, and other proper purposes.

SECTION FOUR. The citizens of this State shall have the right to keep and bear arms for their common defence.

SECTION FIVE. The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases, in the manner prescribed by law.

SECTION SIX. Excessive bail shall not be required, nor shall excessive fines be imposed, nor shall cruel nor unusual punishments be inflicted, nor witnesses be unreasonably detained.

SECTION SEVEN. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the county or judicial district wherein the crime shall have been committed—which county or district shall have been previously ascertained by law—and to be informed of the nature and cause of the accusation against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel in his defence.

SECTION EIGHT. No person shall be held to answer a criminal offence unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases of petit larceny, assault, assault and battery, affray, vagrancy, and such other minor cases as the General Assembly shall make cognizable by Justices of the Peace, or arising in the army or navy of the United States, or in the militia when in actual service in time of war or public danger: and no person after having been once acquitted by a jury, can, for the same offence, be again put in jeopardy of life or liberty; but if, in any criminal prosecution, the jury be divided in opinion, the court before which the trial shall be had may in its discretion discharge the jury and commit or bail the accused for trial at the same or the next term of said court; nor shall any person be compelled in any criminal case to be witness against himself, nor be deprived of life, liberty, or property, without due process of law. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences—murder and treason—when the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require.

SECTION NINE. Every person is entitled to a certain remedy, in the laws, for all injuries or wrongs which he may receive in his person, property, or character; he ought to obtain justice freely and without purchase, completely and without denial, promptly and without delay, conformably to the laws.

SECTION TEN. Treason against the State shall only consist in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SECTION ELEVEN. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

SECTION TWELVE. No bill of attainder, *ex post facto* law, nor any law impairing the obligation of contracts, shall ever be passed; and no conviction shall work corruption of blood or forfeiture of estate.

SECTION THIRTEEN. No person shall be imprisoned for debt in this State; but this shall not prevent the General Assembly from providing for imprisonment or holding to bail persons charged with fraud in contracting said debt.

A reasonable amount of property shall be exempt from seizure or sale for the payment of debts or liabilities. The amount of such exemption shall be determined by law.

SECTION FOURTEEN. Private property shall not be taken for public use without just compensation therefor.

SECTION FIFTEEN. The military shall be subordinate to the civil power. No standing army shall be kept up in this State in time of peace; and no soldier shall in time of peace be quartered in any house, without the consent of the owner, nor in time of war but in a manner prescribed by law.

SECTION SIXTEEN. Suits may be brought by or against the State, in such manner and in such courts as may be by law provided.

SECTION SEVENTEEN. The General Assembly shall not grant, to any citizen or class of citizens, privileges or immunities which upon the same terms shall not equally belong to all citizens.

SECTION EIGHTEEN. The right of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influence from bribery, tumult, or other improper conduct.

SECTION NINETEEN. Foreigners who are or may become *bona fide* residents of this State, shall be secured the same rights in respect to the acquisition, possession, enjoyment, and descent, of property as are secured to native-born citizens.

SECTION TWENTY. No religious test or amount of property shall ever be required as a qualification for any office of public trust under the State. No religious test or amount of property shall ever be required as a qualification of any voter at any election in this State; nor shall any person be rendered incompetent to give evidence in any court of law or equity, in consequence of his opinion upon the subject of religion; and the mode of administering an oath or affirmation shall be such as shall be most consistent with and binding upon the conscience of the person to whom such oath or affirmation may be administered.

SECTION TWENTY-ONE. Any person who shall, after the adoption of this Constitution, fight a duel, or send or accept a challenge for that purpose, or be aider or abettor in fighting a duel, either within this State or elsewhere, shall thereby be deprived of the right of holding any office of honor or profit in this State, and shall be forever disqualified from voting at any election, and shall be punished otherwise in such manner as may be prescribed by law.

SECTION TWENTY-TWO. Religion, morality, and knowledge, being essential to good government, the General Assembly shall pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship; and to encourage schools, and the means of instruction.

SECTION TWENTY-THREE. All lands in this State are declared to be allodial, and feudal tenures of every description, with all their incidents, are prohibited. Leases and grants of land for a longer period than twenty-one years, hereafter made, in which shall be reserved any rent or service of any kind, shall be held a conveyance in fee to the lessee.

SECTION TWENTY-FOUR. The action of the Convention of the State of

Arkansas, which assembled in the city of Little Rock on the 5th day of March, 1861, was, and is, null and void. All the action of the State of Arkansas under the authority of said Convention, of its Ordinances or its Constitution, whether legislative, executive, judicial, or military, was, and is hereby declared, null and void; and no debt or liability of the State of Arkansas incurred by the action of said Convention, or of the General Assembly, or any department of the Government under the authority of either, shall ever be recognized as obligatory. *Provided*, That this ordinance shall not be so construed as to affect the rights of individuals arising under contracts, or to change county boundaries or county-seats, or to make invalid the acts of Justices of the Peace, or other officers, in their authority to administer oaths or take and certify the acknowledgments of deeds of conveyances or other instruments of writing, or in the solemnization of marriage.

Mr. HODGES, of Pulaski, moved that the Report be laid upon the table, that one hundred copies be printed for the use of the members of the Convention, and that it be made the special order of the day for Friday, January 31st.

The question was taken; and the motion was agreed to.

AMENDMENT TO RULES OF ORDER.

Mr. McCLURE asked the consent of the Convention, to give notice of a motion to amend Rule XXIII, so as to make the consideration of the special order of the day the first business in order after the correction of the Journal of the preceding day. He said:

The time is come when the regular order of business should not be interfered with.

LEGISLATIVE DEPARTMENT—AGAIN.

Mr. BROOKS moved that the Report of the Committee on the Legislative Department be referred to the Committee on the Constitution, its Arrangement and Phraseology.

Mr. McCOWN. Before that disposition is made of the Report, I desire to offer certain amendments to it. I think the reports of committees should be acted upon, before a reference to that Committee.

The PRESIDENT. The Chair understands the object in the appointment of that Committee to have been, to so arrange the different departments of the Constitution, that one shall not, so to speak, lap upon the other.

Mr. McCOWN. And to make no other change?

The PRESIDENT. To embody the ideas presented in the various reports, and to embody them in proper form.

Mr. McCOWN. I desire to present several amendments to the Report of the Committee on the Judiciary.

The question was then taken; and the motion was agreed to.

EXEMPTION OF REAL AND PERSONAL ESTATE.

Mr. MALLORY called for the special order of the day, being the Report of the Committee on Exemption of Real and Personal Estate.

The PRESIDENT announced the question before the Convention to be, the consideration of the respective Reports of the majority and minority of that Committee.

Mr. CYPERT moved the adoption of the Minority Report.

Mr. HODGES, of Pulaski, moved as a substitute, the adoption of the Report of the majority of the Committee.

Mr. CYPERT. I do not desire to offer any argument upon this subject. I merely call the attention of the Convention to the fact that it is impolitic to entrammel the Legislature with such restrictions as are proposed. Times will occur when a change in the amount of exemption will be necessary; and of that time the Legislature should be the judge. If you incorporate in the Constitution a requirement of a certain amount of exemption, an alteration in the Constitution will be required whenever it may be necessary to accommodate the provisions of the law to changed circumstances of the times. It would imply, at least, that the Legislature is not empowered to give a greater amount of exemption; and it is evidently prohibited from giving a less. We cannot tell what the condition of the country may be in years to come. The time may arrive when a necessity for a change shall present itself. Hence, while we are all in favor of a reasonable exemption, some of us think it a matter entirely cognizable by the Legislature, and a fit subject of change, as the condition of the country may demand. For this reason, it should not be made a portion of the organic law of the State.

Mr. McCOWN spoke, in substance, as follows: The very reason which the gentleman assigns in favor of the Minority Report, is that which induced the report of the majority of the Committee. We desire to incorporate into this Constitution an exemption that cannot be changed by any future legislation. The rich can take care of themselves, and require no special Constitutional protection. It is for the middle and poorer classes of men, that Constitutional provisions should be made, with the view to prevent capital from exercising an undue influence in our legislative halls, and operating for its own increase, to the detriment of honest industry. All persons who are at all familiar with the past history of our country, will at once admit that such provisions should be made. The means of alluring individual members are far beyond the poor man's reach, when they are most desirable to secure his protection against a moneyed monopoly. Hence we desire to give, by an article in the Constitution, a homestead to every head of a family—one that cannot be taken from him while he lives, nor from his widow while she lives, nor from his children until the last one of them shall have arrived at the age of twenty-one years. A homestead to which he can retire, secure from molestation, in the darkest hour of misfortune, poverty, and sorrow, and one that, when death comes to close the final scene of life on earth, and raise the curtain of immortality, he can feel will be secure, beyond peradventure, to his weeping wife and helpless children. The one spot on earth where no Sheriff or other officer of the law can enter unbidden.

We have just passed through the bloodiest war of modern times, a war that employed, in one capacity or another, almost the entire male population of the South. We have been the greatest sufferers in the conflict; poverty, desolation, and grief sit brooding at every fireside; our fields laid waste; our former slaves liberated; our time lost, with all the means upon the faith of which we contracted debts, the payment of which would have been easy in our former, but in our present condition are of huge and insupportable proportions, and under which the great majority of our people lie prostrate and helpless, and are being pressed, by creditors, almost to hopelessness and desperation. But for the timely interference of General Ord, in suspending, for a time, sales under execution, I verily believe that, tired as our people are of destruction and bloodshed, there would have been a collision between the civil authorities and the people, in many parts of the State.

I know, and am frank to admit, that some creditors are induced by their own necessities to urge the collection of their debts; but nineteen-twentieths of the number who are pressing the people, are men who, while others fought the battles, staid at home, content with encouraging the soldiers and speculating off the necessities of their families. Not the least of them are merchants, who at the conclusion of the war paid off their own liabilities at twenty-five cents on the dollar, and now want the poor man to pay them to the uttermost farthing, for goods for which a tithe only of the original purchase-money has been paid.

It is due, however, that I should say, that among our merchants and other creditors, there are many honorable exceptions,—men who, although greatly in need themselves, have pressed no one; but, on the contrary, have accepted any compromise offered.

Thousands of our people who have labored earnestly and incessantly beneath the summer's sun, and through the storms of winter, ever since the surrender of our armies, have not been able to procure, at all times, for their families, the absolute necessaries of life; and at no time more, owing to the constantly recurring visits of officers of the law. And now, dispirited and toil-worn, they look, with the smallest spark of hope still lingering in their hearts, for relief—for the liberty to feed, clothe, and educate those of whom God has said a man is worse than an infidel unless he provides for them.

We are directed to the Bankrupt Law, for a remedy. It is no remedy at all. Few men of moderate means can procure sufficient money to file their petition in bankruptcy, much less to follow it to a final discharge. The Bankrupt Law is a rich man's law.

The exemption we desire to incorporate in the organic law, is designed to answer the purpose of a bankrupt law for the poor man, and men of moderate means,—one which will enable him to provide for his family, bring up his children in such way that they may be useful men and women in society, and one which it will be beyond the power of corrupt legislation to repeal.

We are told that such an article in the Constitution will not only impair, but strike a death-blow to credit. If such should be the effect, I am almost prepared to say that it would be an additional argument in favor of it; for instead of creating new debts, while we are unable to pay the old ones, we should go to work, and provide with our hands for our present and future wants, and not encumber our estates with debts we could never hope to liquidate, and which might be the means of leaving our children homeless as well as helpless.

I do not admit, however, that such would be the effect; for no man sells his goods, wares, or merchandise, who, at the time of sale, believes he will have to resort to the courts of the country for the price thereof; for any man of sense must certainly know that the concomitant expenses in a successful suit at law will far exceed the profits of his sale. There are few men secured, as we propose, with the means to labor uninterruptedly for their own support, who would not have sufficient pride of character to pay, as fast as they could, all their indebtedness. And that policy which takes from the debtor the means of future labor, is only a new version of the old fable of the boy that killed the goose that laid the golden egg.

There is another and paramount reason in favor of the proposed exemptions. They will increase our love of country; for what man will not love and venerate the government that secures to him a home which he may improve and embellish, with the absolute certainty that when he is gone, his children, and children's children, will enjoy the fruits thereof; and the son, however far from the paternal roof he may stray,—with what pride and fondness would his mind revert to the old homestead, and to the old fireside around which he knew were gathered those who love him best on earth; where often, in his early boyhood years, he had heard his father, on bended knees, thank the Giver of all good for the privilege of living in a government where he could worship under his own vine and fig tree, and none dare to molest or make him afraid (not even a Sheriff); and to which he could return, and would find a mother's welcome, should disaster overtake him in the battle of life.

We have a committee appointed to devise means for the relief of our suffering people, and have some assurance that other States, more fortunately situated, will contribute to our immediate wants. How can we ask their charities when we have no charity for one another? Can we, without a blush, represent the great and urgent necessities of our people, and ask relief for them from others, when we refuse to grant them, in the winter of their misfortunes, protection, from the officers of the law, sufficient, only, to guarantee to them a home and the means to provide for their own wants, and to save to them the proud privilege of making their own bread by the sweat of their face, instead of receiving it at the hands of strangers. Public policy requires that we should give it them; humanity desires it; necessity demands it; charity pleads for it; and the teachings of our Lord and Saviour command it.

I hope the amendment of the gentleman from Pulaski [Mr. HODGES] will be adopted.

Mr. SARBER. To facilitate business, I move, as a substitute for the motions before the Convention, that both Reports be referred to the Committee on the Constitution, its Arrangement and Phraseology.

The question was taken; and the motion was agreed to.

FINANCE, TAXATION, PUBLIC DEBT, AND EXPENDITURES—AGAIN.

The PRESIDENT announced, as the business next in order, the consideration of the Report of the Committee on Finance, Taxation, Public Debt, and Expenditures.

Mr. MALLORY moved that the Report be referred to the Committee on the Constitution, its Arrangement and Phraseology.

The question was taken; and the motion was agreed to.

USE OF HALL FOR DEMOCRATIC CONVENTION.

Mr. MALLORY offered the following resolution:

Resolved: That the use of this Hall be tendered to the Democratic Party, for Convention purposes, and that a committee of three be appointed to inform the Chairman of the Democratic State Central Committee of the fact.

The question was taken; and the motion was agreed to.

The PRESIDENT appointed, as such Committee, Messrs. MALLORY, GREY of Phillips, and WALKER.

Mr. MALLORY moved that the Convention adjourn to 10, A.M., of Wednesday, January 29th.

The question was taken; and the motion was agreed to;

And, thereupon, at 12 o'clock, M., the Convention adjourned to 10, A.M., of Wednesday, January 29th.

EIGHTEENTH DAY.

WEDNESDAY, *January 29th*, 1868.

Convention met at 10, A.M.

Prayer was offered by the Chaplain.

The roll was called; and the following members answered to their names:

Messrs. Beasley, Belden, Bell, Bradley, Brashear, Brooks, Coates, Corbell, Cypert, Dale, Duvall, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hodges of Crittenden, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Matthews, Merrick, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Moore, Norman, Oliver, Owen, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Reynolds, Rounsaville, Samuels, Sarber, Scott, Shoppach, Sims, Smith, Snyder, Van Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President.

SICK AND EXCUSED: Messrs. Hollis, Hodges of Crittenden, and Sams.

A quorum of the members of the Convention having answered to their names:

The Journal of the preceding day was read and approved.

ADDITION TO COMMITTEE ON RELIEF.

No petitions, and

No reports of committees, being presented, and

Motions, resolutions, and notices being in order,

Mr. BROOKS moved that Mr. GREY, of Phillips, be added to the Committee on Relief.

The question was taken; and the motion was agreed to.

COMMITTEE ON ARKANSAS HOT SPRINGS—AGAIN.

Mr. HINDS. I desire to call the attention of the Chair to the fact, that five gentlemen were appointed upon the Committee on the Hot Springs. The resolution called for the appointment of a committee of three.

The PRESIDENT. The change was made, in accordance with the provisions of the resolution, before the Journal of the day was made up.

INTERMARRIAGE OF THE RACES.

Mr. BRADLEY offered the following resolution:

Resolved: That the Committee on Arrangement and Phraseology of the Constitution be, and they are hereby, instructed to insert a clause in the Constitution, forbidding any officer, either civil or ecclesiastical, to solemnize the rites of matrimony between a white person and a person of African descent, within the limits of this State.

Mr. HOGE asked for the yeas and nays.

Mr. HODGES, of Pulaski. I cannot see any use of legislating, or of inserting anything in the Constitution, upon that subject. If persons want to intermarry in this way, they ought certainly to have the privilege. And the fact that such a barrier is raised up as is here proposed, will probably make more difficulty than if the whole matter were left entirely open. I, for one, am entirely opposed to legislation, or Constitutional enactment, upon any such subject.

Mr. GREY, of Phillips. As far as we are concerned, I have no particular objection to the resolution. But I think that in order to make the law binding, there should be some penalty attached to its violation—kill them, quarter them, or something of that kind. I think, however, the proposed provision is superfluous, for this reason. In the constitutions of the Northern States, where such liberty is extended to men of all classes and colors, such outrages upon society are seldom committed. We hear nothing of them. Among the white people of the North, such provisions are never considered necessary. I cannot see why we should encumber our Constitution with such provisions. I scarcely think, that, with the intelligence and wealth of the white people of the country, they are going to make any overtures to us; and I am pretty sure our condition entirely prevents us from making any such overtures to them. It results, that the provision is superfluous. I know that such provisions have heretofore more or less obtained; but while the contract has been kept on our part, it has not been kept upon the part of our friends; and I propose, if such an enactment is to be inserted in the Constitution, to insist, also, that if any white man shall be found cohabiting with a negro woman, the penalty shall be death. [Laughter and applause.]

Mr. HODGES, of Pulaski. I fully accord with the views of the gentleman last upon the floor, and hope, if the resolution shall be adopted, that his proposition will be added to it.

Mr. McCLURE. If in order, I would move a reference of the subject to the Committee on the Penitentiary.

The PRESIDENT. The question is upon the motion for reference. Are gentlemen ready for the question?

Mr. BRADLEY. *I* am not ready for the question, Mr. President. I did not expect, sir, when I introduced this resolution, to stir up in this Convention anything like a spirited discussion. I did not expect, even, to accompany that resolution, pointed as it is, with any speech of my own. I do not feel that it is necessary for me to accompany it with an argument. The resolution carries with it an argument sufficient to sustain itself. I am well aware that there is a kind of vulgar idea abroad in the world, that we do not need land-lines between us. The presumption is that I and my neighbor are both honest—neither of us will cut timber on the other's land; and you say, when I desire to have the line established between us,—"Either one or the other is a thief." Sir, that does not follow. I meet the gentleman with his own argument. If such a provision as I propose is not necessary, if you do not mean to rush into these practices, I ask, in all candor, why, in the name of God, do you object to having a line established, and to saying, to the white race and to the black,—"Thus far shalt thou go, and no farther?"

As to the idea that no such difficulty exists in the Northern States, I am only able to use this argument in reply,—that there is no negro suffrage in the Northern States. There is no proposition to *force* negro suffrage upon the Northern States. But, sir, we are here with our chicken's mouth gagged wide open, expecting to swallow it; and declarations have been made upon this floor, but recently, that social equality was the boon held in reservation for the citizens of Arkansas.

I am here, sir, to enter my protest, with indignation, against the foul insinuations which have been thrown out, reflecting upon the integrity, the honor, and the nobility of the people of my country! [Applause from the left.] I am here, intending to give the negro every right that God in heaven, upon His throne, has assigned him. I am ready to recognize his civil and political rights. No man will go further, no man will dig deeper—to quote from a gentleman who preceded me [Mr. GREY, of Phillips.] I am ready to dig to the substratum, and build the rights of the black man upon a foundation which nothing but the fiat of God shall dissolve, until the thunders of the last great day. But, sir, I am a white man; and I do not mean to infringe upon the pure blood of the African race, that has been so exalted and eulogized in every speech delivered, by certain gentlemen, in this hall. I do not want it adulterated with the blood of the white man. Let it stand in its monumental glory, until inspiration shall reflect back the declaration that it is equal to the blood of the white man. Give the white man a chance to run by himself, as he has for six thousand years; let him march on with the rapidity of lightning, developing and being developed, proving himself the master of creation, that fell from God's hand, on the sixth day, when He finished His work.

This, sir, is the great question that is stirring up these ring-streaked and striped menageries all over the country. This is the great question that caused fair-handed and warm-hearted women to decorate, as they did, that hall near this capitol. This is the great question that is agitating Arkansas from centre to circumference. It is supposed that the doctrine of "equality before the law" is not to stop until it goes further. I want that resolution voted upon. I want the yeas and nays upon it. I expect every black man on that side of the house to vote for it. These rights have been infringed long enough—if any man crosses the line and trespasses, let a statute be enacted, based upon this feature of our Constitution, that shall fix the crime and the penalty; and if the penalty be death, as the gentleman [Mr. Grey of Phillips] suggests, let it be death!—I care nothing about that. I can say, sir, it will not circumscribe me in any of my social enjoyments or privileges. Thank God, I have no seed, to-day, that has germinated in human form, but is of my own color. I have never belonged to a bleaching-machinery, and do not advocate the bleaching process. That is just what I want put down. I am astonished that gentlemen get up and say,—"Let it be a matter of taste!" It shows me a man's taste, when he wants no distinction, no partition, but wants the two races mixed in one common amalgamation. It shows me a taste that makes Heaven frown, and stinks in the nostrils of man!

I do not want to encumber the pure virtue of that resolution with an argument. It is an argument, itself. Let us have the yeas and nays. And if men are so much alarmed about having a barrier in the way—why, if you want to, scratch under, and get to the other race; but for God's sake let us build a wall! let it be understood as the organic law of the land that a white man shall be a white man, and a black man a black man, and that each shall have their rights in their respective spheres. You can't get me to vote for any of these sugar-coated pills, such as I see in the Georgia Constitution,—"all rights and privileges guaranteed to one class guaranteed to every other." I want to understand what I am swallowing. I don't want a black man, in two years, coming to me and saying,—"That is a privilege granted to the white man; you must grant it to me;" and the white man saying,—"This is the privilege of the black man; I must have it too:" and off goes the white man to the cabin, and the black man, I suppose, somewhere else in a like manner. And so, this thing, humiliating as it may seem, will be a Constitutional question; and there will be more Constitutional lawyers slipping around in the night, than were ever before seen in this country. I want every man to vote upon this proposition, in the way his own heart and natural impulses guide him; and let the record be spread across the heavens, and let future generations read it!

Mr. CORBELL recommended the adoption of the resolution.

Mr. GREY, of Phillips. As I have before remarked, I have no objection to the proposition. I believe, sir, as I have often heard asserted by statesmen,——

The PRESIDENT. The Chair will state that a motion to commit is not debatable; but latitude has already been given, and, by consent, will be extended. [Cries of "Go on!"]

Mr. GREY. I have but few remarks to make. I desire simply to state that I have no objection to the proposition; but I have so often heard it stated, by some of the grandest minds of America, that such things were utterly impossible, that they were so abhorrent to the feelings, that I thought with Nasby, who says that if you were to put him in a dark room, at twelve o'clock at night, were there the least taint of black blood about a man, he could smell it. I could see, therefore, no necessity for any such provision. In North Carolina, it is declared, by statute, that the issue of negroes, even where one ancestor in each generation, to the fourth inclusive, is white, shall be deemed persons of color. If we are to adopt this proposition, the Legislature will have to pass an act creating a board of scientific physicians, or professors of anatomy, to discover who is a negro. There is the trouble. The purity of blood, of which the gentleman [Mr. BRADLEY] speaks, has already been somewhat interfered with, in this country. When acts of the Legislature must be passed, making such a distinction as this, to define who is a negro, who is a mulatto, and so on, *ad libitum* and *ad infinitum*, legislation becomes a farce. The insertion of a clause prohibiting negroes and whites from marrying, will not cover the case. You will have to define the point of intermixture of blood which shall constitute a mulatto, and so prevent him or her from intermarrying with the white race; and in the case of an octoroon, or of still further admixture of blood, I take it the distinction will grow very shadowy. The census of the United States shows that forty per cent. of us, already, have crossed the line. It is no fault of ours. No gentleman will lay it to our door. The intermixture has taken place illegitimately. Those gentlemen who so place themselves upon a pedestal of virtue, will not deny that this was wrong. Their own race has thus created the difficulty. I see no way, in the world, of putting an end to the evil by legislation. If you can show where the line can be drawn, I am perfectly willing. But I do not accept the gentleman's idea, that if you raise a fence of legislative prohibition, and a man chooses to crawl under it, it is right enough for him to do so. I propose that we shall stop this crawling under the fence. I propose that if persons desire intermarriage with the other race, it shall be done honorably and above-board.

Mr. BRADLEY. I hope the gentleman [Mr. Hodges, of Pulaski] will, with the consent of the Convention, withdraw the motion for reference, and let the resolution be voted upon, squarely,——

The PRESIDENT. Much latitude has already been given; one speech has been made upon each side; and the Chair must now enforce the rules.

The question being upon the reference of the resolution to the Committee on the Penitentiary,

Mr. REYNOLDS asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative,—Yeas 32, Nays 34, as follows:

Yeas: Messrs. Belden, Bell, Brashear, Brooks, Dale, Gray of Jefferson, Grey of Phillips, Hawkins, Hinds, Hinkle, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Langley, Mallory, Mason, Merrick, Misner, Montgomery, Murphy, McClure, Rawlings, Rector, Sarber, Scott, Smith, Snyder, White, Williams, Wyatt, and the President—32.

Nays: Messrs. Beasley, Bradley, Coates, Corbell, Cypert, Duvall, Evans, Exon, Gantt, Harrison, Hatfield, Hicks, Hoge, Kyle, Matthews, Millsaps, McCown, Moore, Norman, Oliver, Owen, Poole, Portis, Priddy, Puntney, Reynolds, Rounsaville, Samuels, Shoppach, Sims, Van Hook, Walker, Wilson, and Wright—34.

So the Convention refused to refer the resolution to the Committee on the Penitentiary.

Mr. MONTGOMERY offered the following, as a substitute for the resolution before the Convention:

Resolved: That the Committee on the Constitution, its Arrangement and Phraseology, be, and it is hereby, instructed to insert a clause in the Constitution, requiring the General Assembly to enact laws to more effectually prevent miscegenation, and thereby inaugurate a great reform in the State of Arkansas.

Mr. HINDS moved a reference to the Committee on Boundaries. [Laughter.]

Mr. BRADLEY [*in his seat*] objecting to the motion, as out of order,

The PRESIDENT decided that the motion to refer embraced both the original motion and the substitute.

Mr. HINDS, by consent, withdrew the motion for reference to the Committee on Boundaries, and moved to refer the entire subject to the Committee on the Constitution, its Arrangement and Phraseology.

The question was taken; and the motion was not agreed to.

Mr. MONTGOMERY. My object in introducing the substitute was, to get the question in form, before a committee and before the Convention. It appears to me that neither the original resolution nor the amendment reaches the whole subject, or includes everything that ought to be included. The resolution offered by myself covers the whole subject, both of marriage and of illicit intercourse—and I suppose some of the gentlemen here think, in accordance with St. Paul, that it is better to marry than burn, and might, therefore, vote against the proposition in any other shape. I hope the substitute will be adopted.

Mr. BRADLEY. I think it will require but a word of explanation, to answer any suggestion in favor of that substitute. It seems to me that the idea of the Convention memorializing some future Legislature to pass certain laws, for which there will be no Constitutional basis, is a very novel one. Suppose we incorporate nothing in the fundamental law of the State, upon that subject, and the Legislature enacts a statute in regard to it; it will only be required to carry that statute before the Supreme Court, to show that the legislative action is unconstitutional.

Mr. MONTGOMERY. If the gentleman will allow me to interrupt him, I would remind him that the substitute instructs the Committee to place in the Constitution a clause requiring that legislation.

Mr. BRADLEY. I do not see why we should not face the music, and come squarely up to the question, at once. I cannot see any reason for this evasion. I want to know where I stand, and what I am doing. When sailing at sea, I want to examine my chart and compass, especially in stormy times. I want to know what port I am driving to. I think it well for us all to know; and I would like to obtain a direct vote upon this question. I am exceedingly sorry to see efforts to *tap* it on this and on that side, so as to drain out the strength of the resolution, and thereby prevent a fair and square vote upon it upon its merits. I do not see why any man should be afraid to march up and vote for or against that resolution, as the case may be. I do not see any good reason for its rejection, or for referring it to this or that committee. Suppose you had referred it to the Committee on Boundaries; it would have come back worse than ever, for I am the Chairman of the Committee on Boundaries. Why not take it squarely, vote upon it right out, and show the world where we stand? "If the Lord be God, serve him; if Baal, serve him." If you intend nothing but political and civil equality, let us know it. Burst the sugar shell, and let me taste the very medicine I take. I do not want to deceive myself. I do not want to trifle away two months, and make a Constitution, here, which will place myself and the Convention in an attitude that I know will so arouse the indignation of the citizens of Arkansas that they will vote the Constitution down. We have been here for weeks, wasting the funds of the State; and our action has amounted to naught.

I came here, in good faith, to make a Constitution, and build a State Government upon the sovereignty of the people of Arkansas. I did not come to build a government upon a mere idea. I came under the orders of the General commanding, and under the Act of Congress, and under the will of the people, to lay a foundation upon which a State Government should be reared that will endure the test of ages, and stand unscathed by the thunders of all future time. But to be skipping over, and slipping around, these vexed questions, that are irrepressible, and that will come up in future time in spite of heaven and hell, is unworthy of ourselves and of the position in which the people have placed us. We are digging the place to plant the tree: let us set it out right; let us form a Constitution which the people can read from *a* to *izzard*, and understand when they have read. When the Constitution goes before them, let us not leave them in doubt whether that Constitution is susceptible of the interpretation of social equality and amalgamation. Let us plant it upon the ground that each race shall move in its own sphere; let not the sun come in contact with the moon at midnight, nor the moon jostle the sun from his place at noon. There is no better time than now, to provide for this; and if you dodge that question, gentlemen, you dodge the ratification of the Constitution.

Mr. BEASLEY [*in his seat.*] That is so!

Mr. BRADLEY. Do not trifle away your time; do not trifle with your position, with your relations to God and your country, and trifle away the Constitution, and the eight dollars a day that we are receiving from the people as the remuneration for our services.

I tell you again—and if I had the voice of seven-fold thunders I would almost give you congestion of the brain with it [Laughter],—that if you dodge this question, the Constitution will be voted to naught—the people will rush upon it, and gnash their teeth, and trample it under their feet! They will spurn it, as they have the right to do. And I say that unless I know whither my ship is drifting, I will anchor fast to the port; I will not raise my sails until I know where lie the rocks that I may run upon. If I thought the attitude and relation of each race was not to be fixed by the organic law of the State,—when we are launching out upon a new era, when we are forming a government which may stand until God dissolves the world,—I would stand upon the stump and say to the people,—If this Constitution does not settle that question, let us, if it costs ten millions of dollars, wait until we can form a Constitution that *will* settle it.

The black people of my County ask me for this, as well as the white. It is astonishing to me, at this late age, to see gentlemen thus out-Herod Herod himself. Let us tell to all the world where we stand on this question. Then, when we go out, and your ring-tailed "coons" tell you we are a conglomerated mass, we will say,—"No, sir; here is where the black man stands, and here is where I stand, and I recognize the limitation between us." There is no limitation and distinction, there is no fixed, determined meaning, to "civil rights," and "equality before the law;" and so long as these terms stand undefined and uninterpreted, so long will this remain a vexed question for future generations to fight and war over; and when you and I are slumbering in the tomb, our children, perhaps, will meet in this hall and fight over the interpretation of the enactment which we make here to-day.

I make no war against the black man. I want no black man to understand me as warring against him. I am defending him. I am his friend; and they know it, where I live. I am, as I have said, a man that will go as far for their rights as any other man. Let them be wronged and oppressed, in my County; you will see my little office swarming with them. They come to the man who they know would stand against earth and hell, in vindication of what he believes to be right. A few days before I left home, I sent a white man to jail for abusing a negro; and he is in jail now, at Pine Bluff—notwithstanding that he had four lawyers to defend him. I would have sent the black man to jail as quickly, had he abused the white man.

What I desire is, to settle this question, that has raised the tombstones where four hundred thousand heroes sleep; a question that has wrought the shedding of blood that has not yet grown cold; a question that has dissolved the American Government; a question that to-day shakes the mightiest intellects that move upon the American continent. And yet it is trifled with, here, by such substitutes, and such motions to refer, as we have had presented to us. I am astonished. This is no insignificant question. This is the great original question. This is the "irrepressible conflict." We are fighting, to-day, the fight that has been on hand ever since the difficulty arose concerning the Compromise Line. And I say, for God's sake, let us establish the compromise line, not of Missouri, but a line between the races,—one that shall be recognized by all future generations.

I do not propose to colonize the black man, or to banish him from the earth. God has placed him here. He has learned our habits; he has lived his life among us. He knows nothing but domestic and agricultural pursuits. I propose to give him a chance, and let him live—not make him an elephant, or a mouse, but let him be just what he is, and let the great Government roll on, and not scatter itself to destruction because he is free. I do not see why we are to halt, or have the country ruined, because the negroes are set free. If anybody is hurt by their emancipation, they are hurt. I want this question settled, I repeat, and settled now. I want no dodging. Let every gentleman come up, if he wants to vote against that resolution, vote against it, and record his vote; and let the record fly, like a blazing comet—let it fly through future generations, to show where he stood upon this great question,—upon the idea of keeping his own blood and race pure and unadulterated from an inferior race.

I hope I shall not be misunderstood. I told some of my friends I did not intend to open my mouth. I did not propose to support by a single word the resolution which I offered; knowing that if you quibbled over it, if you insulted it, the people of Arkansas would rise in their majesty, and resent the insult at the polls. And remember, you cannot make a Constitution without their doing half the work. You can draw it up, but they must seal and stamp it. Some men seem to have an idea that if they can only get a measure through, here, the whole business is done; that we in this house can do everything that we want. No, sir; if you adopt extreme measures, it will overbalance the majority which was given for a Constitutional Convention. I do not propose to mock my position in any such manner; I do not propose to trifle with serious questions, in any such way. And I hope every man will come up, fairly and squarely, and meet this question upon its merits, by a direct and manly vote.

Mr. MONTGOMERY called for the reading of the resolution.

The SECRETARY read the resolution, together with the amendments proposed.

Mr. MONTGOMERY was recognized as entitled to the floor, when

Mr. BRADLEY rose to a point of order. He said: The amendment proposing to fix a penalty for crime, is certainly out of order in this Convention. We cannot affix penalties.

The PRESIDENT. The Chair is of opinion that the point of order is not well taken. The gentleman from Hempstead [Mr. MONTGOMERY] will proceed.

Mr. MONTGOMERY. I am not much surprised at the position of the gentleman from Bradley [Mr. BRADLEY.] I am not much surprised to hear him ask, of this Convention, special legislation, in the form of Constitutional enactment. My substitute covers the whole ground, and covers all the evils of this nature which have existed in Arkansas for the last two hundred and fifty years. Why, sir, down here in the "Hippodrome," the other night, we heard a gentleman attempt to show that a line of demarcation has been drawn, in this State, between the whites and the blacks. There was a marked difference. Now, the object of this resolution is, to keep these gentlemen from rubbing out that mark. They have been rubbing it out for the last two and a half centuries; and if you look at this crowd [turning to the galleries] you will not find a full-blooded African, nor will you find one in the State of Arkansas. We merely desire that there shall be inserted in this Constitution a clause making it obligatory upon the Legislature to prevent this miscegenation.

The colored people desire it, and we desire it. But we do not desire the insertion of a clause which shall declare that no man shall marry a black woman, but which says, in effect, that a man may cohabit with a black woman, illegitimately, and at his will. For this reason, I desire that the substitute shall be placed before the Convention. This is not a question of social equality, entirely. The question before the Convention, and the question which will be before the people, is that of political equality merely. The people will arrange the question of social equality for themselves, irrespective of anything that we may do.

The gentleman [Mr. BRADLEY] accuses us of trifling. We have, since the question of reconstruction has arisen, seen, in South Carolina, the enactment of laws which declare that a black man shall not marry a white woman, and that if found in cohabitation with her, he shall stand in the pillory—and so on; but not a single enactment forbidding a white man to cohabit with a black woman, save under the ban of marriage [Applause on the right.] This is the kind of legislation that has taken place in this State. Why not put the two races on an equality in this respect, and, if you interpose a prohibition against the one, do the same against the other? Let the rule work equally, and be so framed as to cover the whole ground. When the gentleman accuses us of trifling, he had better look to home. We do not propose to trifle about this matter. The Republican Party does not propose to trifle with this matter. They propose to make their record, and that for the purposes of the coming canvass; and they do not propose to be that conglomerated set of political apes, and aspirants, which a certain "hippodrome" accuses them of being.

Mr. McCLURE. For the life of me, sir, I could never account for the disposition manifested by some individuals, to imagine that their rights and privileges depend altogether upon Constitutional provisions, and legislation. It is generally supposed that men are entitled, by nature, to certain political and social rights, the claim to which cannot be disturbed by legitimate legislation, and which have no need of legislation in order to their definition. But it seems that men's rights, in this country, have to be defined by the limits and privileges appointed by law. There may, sir, be some reason for this. The system of society that has been in vogue in this portion of the country, since its organization as a State, has been of this kind. There may be men who are unable to resist the temptation to intermarry with an inferior race. But if so, there is a proper tribunal before which such men can appear, and select guardians for themselves. If these men have not the intelligence to protect themselves, the law provides a means for obtaining them guardians, without whose consent they cannot marry.

As to what has been said in regard to the defeat of the Constitution, unless the line of demarcation between the races shall be distinctly marked therein, I have to say, as a member of the Committee on the Constitution, its Arrangement, and Phraseology, that I desire no such instruction as is by this resolution proposed. I am willing, sir, to let these people take their chance; and if, in the race, with the majority of two to one against them in the State, with the intelligence, and experience, and superior wisdom that is claimed for the whites of the State, the blacks shall be overridden, I am not disposed to interfere. So far as I am individually interested in the resolution, I must frankly state that I cannot conscientiously,—nor would I,—report any such provision in the Constitution of the State of Arkansas. There are men in all communities whose judgment I respect; but in looking over the history of this country for thirty years past, I cannot but observe that the ideas advocated by gentlemen upon this floor have never been prevalent in this country; and it is but safe to say, that their judgment is not worth that! [Snapping his fingers.] The people of Arkansas, about whom I have heard so much talk,—this great and glorious people who have been "harnessed to the soil,"—have been accustomed to the institution, to its vices, and to the odium that attaches to it. I have learned this; that in legislating upon the heels of a revolution, it is not safe to disturb the ancient and fixed landmarks of society. For that reason, I propose to let this matter stand where it is. If the citizens are accustomed to it, it seems to me that to invade the established line of social privileges, would create a prejudice against those who did so. If the line which it is now sought to create has never been observed, we begin to create a revolution, the moment we attempt to establish the line. And if these men must have protection, let them seek it through the agency of their guardians.—

Mr. CYPERT. I am sorry that the gentleman did not come to this conclusion a few days ago. I have always been of the opinion that legislation, of a disturbing character, "upon the heels of a revolution," was not very safe. Hence, I proposed the Ordinance adopting the old Constitution, and leaving the old landmarks where they stood. If the gentleman, and his friends, had then agreed with me, he might have gone home long ago; and the people would not be paying us eight dollars a day for staying here.

I do not propose to discuss this question. It has been sufficiently discussed, upon both sides. But I must allude to one remark of the gentleman from Hempstead [Mr. MONTGOMERY.] I think his comparisons were really unjust. He desired gentlemen to look at the gallery. I do not think the gallery of this hall presents a fair specimen of the negro race in this community. I see, there, what I can account for only as traces of the Yankee blood—of curiosity—of prying into other people's affairs. I can in no other way account for the phenomena presented in the daily gatherings in that gallery; and I cannot regard it as presenting a fair specimen of the negroes of Arkansas. The gentleman might have turned to his colleague [Mr. SAMUELS], and seen a different type, and a fair specimen, I suppose, of that race, in this community.

Mr. GREY, of Phillips. I may simply say, in regard to this matter, that the gentleman's remarks call to my mind one reason for objection to the proposition, in the form in which it now stands before the Convention. A gentleman [Mr. BRADLEY] remarked, a while ago, that the reason why there was no necessity in the North for such provisions as this, was, that there is no negro suffrage there. If the gentleman will permit me, I will correct him, by saying that there is, and has been, more or less of negro suffrage, in the States of the Union, without exception, from the time that they passed from the condition of colonies, and the organization under the Articles of Confederation. To-day, in Massachusetts, and even in Ohio, negroes vote. In Massachusetts, they sit in the Legislature. The "solid men of Boston" have elected a negro lawyer to represent them in that Legislature—elected him, not by negro votes, but by the votes of white men. I have to admit, to-day, that among these gentlemen commonly called the Yankees, I have found more prejudice against the negro, than in the South. Where they had occasion to do a kind act, they had not the same generous impulses. They looked upon us as men, politically entitled to certain rights; but we could never get as close to a Yankee as to a Southern man. *I* never could. It has always been a sorrow to me that the men among whom I grew up, and with whose children I was raised, when it came to giving me my rights, refused them. In every other respect, I had always looked upon them as my friends. For this reason, there is no fear of miscegenation in the North. I have seen, within fifty miles of St. Louis, the little children crowding the fence-rails, to look at a negro, and examining him with as much curiosity as if he had been a wild beast. They know nothing about the negro, in that country, except through the newspapers, and the descriptions given by their friends, who had been down South and seen the animal. Now, if there is no danger there, and if, as I have heard remarked on this floor, gentlemen wish to make a Constitution such as the Northern States have, I cannot see how this project can be accomplished under present circumstances.

The resolution will lead to a legislation of this kind. A clause of the same nature appears in the Constitution of Kentucky; and the legislation which it originates, is this. Not only is a negro forbidden to marry into the Saxon race, but for the crime of rape, he is burned to death; yet that same law does not contemplate it as possible for a white man to commit a rape upon, or even to cohabit with, a negro woman. I hold it as an act of justice, that we should have the same rules prescribed for us which you prescribe for yourselves. Make the law equal on both sides of the house. There lies my objection to the present proposition. For hereafter, as in the past, I propose that this shall remain a white man's government. Gentlemen seem to be afraid that it is not to be so. I want them to legislate, and to carry on the machinery of the government. I admit that they have the talent and the wealth of the country; at the same time, I wish to hold up before them the scales of justice—and like the ancient statue of Justice, let them be blind—let them know no man's color, or previous position. When you place in your Constitution a provision of this nature, you at once create an inequality. Personally, I have no objection to the proposition, provided that no ulterior wrong will arise from its acceptance; but the seed you plant will, in spite of yourselves, produce that sort of vegetable. If we plant, in our organic law, seeds that will bring forth fruits of injustice, we must expect these fruits to appear in our legislation. If you can so arrange that proposed clause of the Constitution as to make it equal, and to make its restrictions as binding upon others as upon me, I have no objections in the world to its adoption.

Mr. WILSON. I have been very much astonished, to hear any gentleman upon this floor offer to intimate an idea in opposition to the introduction, into our organic law, of a regulation of the marriage state. It is true, they have an illustrious example for neglecting it; for in the Alabama Constitution there is nothing upon the subject, and no provision, indeed, that anybody shall marry. I presume that will suit the taste of some gentlemen, better than anything which will regulate the marriage relation. I promised, for one, that I would exert my influence in favor of an organic law upon that subject, to create a foundation upon which future legislation might be based, for the protection, not only of my offspring, but of the offspring of the other race. And to see gentlemen rising up here and speaking about this all being a matter of taste—gentlemen belonging to the Republican Party, with which I am acting! They are sneered at, at every corner, and charged with being amalgamationists; and they come here this morning and say they want no legislation upon the subject—it's all a matter of taste! I am astonished that any man will think such a thing, much less speak it! I tell you, the coon and the cock, the emblems which ornamented the hall where the Democratic Convention sat to-day, found their best consolation and hope in the charge that we were for social equality of the races. We see it charged upon us, in every Copperhead sheet. And here we are told, it is all a matter of taste! Where are we drifting to, gentlemen? Are we not disposed to make any law upon a subject like this, touching the very vitals of our existence, and of the existence of society? Give us an organic law on the subject, and make, as the gentleman from Bradley [Mr. BRADLEY] said, a line of demarcation. I have promised the black people that I would give them suffrage, but never that I would give them my daughter. I told my constituency I would indorse nothing that looked to social equality of the races, their intermarriage, or anything of the kind; and it does chagrin me, and fill me with supreme contempt, for any man to talk of this being a matter of taste.

It is true that my friend from White County [Mr. CYPERT] did offer us an instrument which contained nothing on the subject of marriage, and now condemns us, and holds us to responsibility, for not receiving the pretty thing which he presented us for acceptance as the organic law of the State—a Constitution which contained not a word upon this point. He has pledged himself to help to defeat any constitution that may do so—pledged to oppose whatever we may do. And we hear gentlemen, of his political opponents and my political friends, say that this is a matter of choice—a matter of taste—nothing to do with the law! My voice will always be against it. I say, give us a prohibition in the organic law of the State. I should have had no objection to the reference to the Committee on Boundaries; for I am on that Committee, myself. My friend from Bradley [Mr. BRADLEY], the gentleman from Columbia [Mr. BEASLEY], and myself, could, and would, have done something, on our part at least, in favor of the measure.

Mr. LANGLEY. This is an age of improvement. Reform is the order of the day. I think we may get ourselves into a difficulty, by inserting in the organic law of the State something that will show to after ages that we acted in violation of the inalienable rights of man. I consider a resolution of this kind as unnecessary, from the fact that society regulates itself. It requires no law, to regulate this subject. I am unwilling that anything of the kind should go into the Constitution; and I am willing that my record should be so made. Six years ago, if a man said he was in favor of universal freedom, he was thrown into a cell as noisome as the Black Hole of Calcutta,—as close, and apparently as hopeless, as the Bastile. I was called *non compos mentis,* at that time, because I said that all men ought to be free. I say, now, when all men in this country *are* free, that if, under the law, a man is free, he has the right to marry as he pleases. Some gentlemen talk as if we were going to force men to marry negroes. Let society regulate itself, on such matters.

This is an argument addressed to our prejudices. There is no scientific knowledge in such an argument. I say, as a scientific man, you cannot draw a line between the races. In many cases there is not one drop of negro blood in ten. The blood of almost the entire negro race is intermixed with that of the white. Perhaps there are not five hundred full-blooded negroes in the State of Arkansas; and when you come to draw a line, you will have a very nice question to settle. Prohibit the American from marrying the Irish, the Dutch, or any other foreign race, and you will be justified in such a prohibition, just as much as you are in that which is now proposed. Now, while I prefer to marry a white lady, and am not in favor of forcing a man to marry a negress, yet, if he wishes to do so, let him enjoy the privilege of selecting his own wife. Such a law as is proposed would not hinder illicit intercourse. I say, sir, as a phrenologist and anatomist, it is a fact that illicit intercourse has taken place, that the two races have amalgamated; and we cannot regulate such matters by law. It is contrary to the doctrine of the inalienable rights of man; it is contrary to the doctrines of the Declaration of Independence. This is my first objection. In the second place, the proposition is unconstitutional. I read from the Fourteenth Article of Amendment to the Constitution of the United States:

> "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of its laws."

Mr. CYPERT. Is that a part of the Constitution, now?

Mr. LANGLEY. It is part of the condition precedent to our admission into the Union. Congress will reject any constitution, containing such a provision. Congress has virtually declared that we must allow all men the free exercise of their rights. Talk about social equality! Sir, if I attempt to force myself into your society, or that of your family, you can kick me out of your house; I cannot say that you must take me into your parlor, to converse with your wife or daughters. That is a matter of agreement—it is a matter of courtesy. No law is required upon the subject. We will only display our ignorance. I shall record my vote against the proposition, if every other man in this Convention votes otherwise. I am willing to record my vote. I can vindicate my course afterwards. It may make me unpopular now, just as it made me unpopular, in '62 and '64, to say that all mankind ought to be free. I tell you, again, that we cannot draw the line of distinction, to show where we shall stop. You say it is wrong for the white man to marry the colored woman. Admit it is: but who is to be the judge? Who made you the judge? Suppose I, or some other man, differs from you, how can you decide the matter? Some gentlemen speak as if, if we fail to prohibit intermarriage between the races, we should compel it. There is no force in such an argument. I did not rise to "gas," but merely to state, in simple form, my objection to such legislation upon the subject. I hope we will vote upon it with discretion. I hope the colored people will not be caught in a trap of this sort. I hope they will all vote against any proposition of the kind. Not that I would in the least encourage intermarriage between the colored and the white people. I think it wrong, and inexpedient; but

I say that when we undertake to legislate upon such points, we act in violation of a principle that is, or should be, dear to us—we strike at the very fundamental principle of liberty itself. When you declare that, in such a matter as that of marriage, I shall not choose for myself,—when you begin to limit me here, you may as well say I should not marry an English lady, a Dutch lady, a French lady. And indeed, people did think, a few years ago, it was very wrong to marry a foreign lady. They would have been just as much opposed to the social equality of the Dutch, or of the Yankees, as they now are to that of the negroes. This is simply a matter of prejudice. I contend that it has no solid foundation. It may be a very good thing for an electioneering scheme. The object of the proposition is simply, I verily believe, to make political capital.

Mr. SARBER. As this seems to be a very important matter, and many learned and intelligent legal gentlemen have given us opinions upon it, and as a difference seems to exist, in the minds of gentlemen, upon the subject, I think the proper course will be to refer the entire question to the Committee on the Judiciary.

I therefore move to refer the entire subject to that Committee.

Mr. BRADLEY asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative,—Yeas 18, Nays 48, as follows:

YEAS: Messrs. Belden, Exon, Gray of Jefferson, Hinds, Hodges of Pulaski, Langley, Merrick, Montgomery, Murphy, McClure, Rawlings, Rector, Rounsaville, Sarber, Scott, Williams, Wyatt, and the President—18.

NAYS: Messrs. Beasley, Bell, Bradley, Brashear, Brooks, Coates, Corbell, Cypert, Dale, Duvall, Evans, Gantt, Grey of Phillips, Harrison, Hatfield, Hawkins, Hicks, Hinkle, Hoge, Houghton, Hutchinson, Johnson, Kyle, Mallory, Mason, Matthews, Misner, Millsaps, McCown, Moore, Norman, Oliver, Owens, Poole, Portis, Priddy, Puntney, Reynclds, Samuels, Shoppach, Smith, Sims, Snyder, Van Hook, Walker, Wilson, White, and Wright—48.

So the Convention refused to refer the resolution to the Committee on the Judiciary.

Pending the call of the roll,

Mr. EVANS (when his name was called) said: I want to put myself squarely upon the record. I shall vote against the adoption of the resolution, and against anything that will hinder a direct vote upon the resolution.

The vote was then announced, as above.

The question recurring upon the adoption of the substitute,

Mr. GANTT asked for the yeas and nays.

The yeas and nays were ordered.

Mr. BROOKS. I hoped, when this matter was first introduced, that not much time would be occupied upon the subject. I did not, really, suppose that it was a subject on which we could need, now, to consume time. But a wider range has been taken than I anticipated. I must say, sir, that, under the circumstances, and considering the latitude which has been given to the discussion, I think it very desirable that we should vote directly upon the proposition which has been presented. I think there is no disposition, upon the part of any, to dodge the encounter; and I think the motions which have been presented, to refer to committees, have not been designed as dodges. I think no such interpretation can legitimately be placed upon the votes which have been given. As between the substitute and the original motion, I should, most decidedly, give my preference to the substitute.

I do not think it desirable that we should attempt, by Constitutional provision, or by legislation, enactments to regulate the subject of marriage, as between races or classes. I do not think, sir, that by enactment, in the Constitution, securing to every person, irrespective of race, color, or condition, equality with others before the law, and ignoring the question of legislation upon social and conjugal relations, we at all put ourselves upon the record in favor of social and conjugal relations between different races or classes. I think that by doing the one we but do what the civilization of the age demands, we but do what the laws of Congress, under which we are assembled, require of us—to reconstruct civil government, and restore peace, and order, and quiet, in the State of Arkansas. When we shall have reached the period when legislative enactment shall be necessary, as to the arrangements of my parlor, or my bed-chamber, I hold that the Convention, or the Legislature, will have passed beyond their legitimate domain. I hold that while we may, in protection of public morals and in conformity with the declarations of God's Word, make regulations respecting the number of wives that men may take to themselves, and so forth, there is nothing in God's law, the Constitution of the United States, the philosophy of human society, or the political history of this country, that would indicate it as an omission to perform an important duty, and discharge a weighty responsibility, for us to simply leave the question of men's love and courtship and marriage and conjugal life,—so that they keep within the boundaries prescribed by God's law, and the organic laws of the country,—to their own preferences, tastes, and habits.

I can well understand how honorable gentlemen, concurring, substantially, with others of us, upon the questions of human freedom and of civil equality, from their standpoint feel somewhat tender and sensitive respecting this question. I know, full well, what it is to be twitted with these things. I understand the force, morally, socially, and politically, of these taunts and goads and thrusts, from men prompted by prejudice, and having regard to an ulterior object. We have been, some of us, for years accustomed to all this—it is no new thing. And our friends who have espoused, justly and righteously, the cause of human freedom and equality of rights before the law, are but now entering upon that interesting period of personal, and, perhaps, of political history, through which others have passed years ago. They are now being brought to the contemplation of some of the beauties, and to taste some of the sweets, of inbred, century-grown prejudice, a prejudice against the equal rights of men of all colors and conditions. Having been driven—I do not speak with harshness or ill-temper—but the enemies of equal rights, or equal, even-handed justice, having been regularly driven from their fortifications and strongholds, from point to point, from stage to stage, by the invincible force of truth and logic, and the history and philosophy of the period, are now clinging, as their last, final hope, to this, worn, tattered, ragged relic of the prejudices of ages, and striving to stir up some feeling by an appeal to the family pride, and prejudice of race and education, of many of our noble-hearted and true friends upon this floor, in order, if possible, to insert an entering wedge into this consolidated party here, and to raise a great hue and cry, from one end of the State to the other, over a question of this kind, which has been discussed, worn out, exhausted, and dismissed from discussion, by the more intelligent portion of the American people, long since. I am sorry. And yet I explain it in this way; that it is the prejudice of education, and the indisposition to confront the known views, tastes, and prejudices, of neighbors, and old friends, and family relations, with regard to this question. Sir, I have this to say. Not as against the people of Arkansas,—the old citizens or the young citizens, the native-born or those that have subsequently selected their home upon this soil: I have to say, on behalf of the morals of the people of Arkansas, if this be regarded as a question of morals,—I have to say upon the ground of an appreciation of their taste, if it be put as a question of taste,—I am willing to say, on their behalf, as respects the opinions and social feelings,—the social standards established in Arkansas,—if it be tested by such a standard as that,—that I think such a provision in the organic law of the State wholly unnecessary. I have to say for myself, however I may sympathize with the prejudiced feelings of gentlemen who, in regard to other interests, are as true to the flag, and the main principles upon which these views are being separated and crystallized, as it were, as any men,—that they under-estimate the taste and cultivation, to say nothing of the prejudices, of themselves, even, and of their families and children. I have to say that upon this subject I have no wish that there should be placed in the organic law of the State of Arkansas, anything to hinder me from giving my daughter to any one, of any race or color, that does not fill my bill. While I have my tastes and prejudices of race, and family, and all that, as other persons have, I suppose I feel myself, and my daughters, and my only remaining son, perfectly competent to control and govern these matters for ourselves. I do not ask this Convention to legislate my daughter from the arms of a gross colored man,—or a "lager-beer Dutchman," if you choose, sir. I do not ask the Legislature of Arkansas to put up a barrier to prevent my son or daughter from perpetrating social monstrosities—if they be regarded as monstrosities. I would do anything that I might consistently, to accommodate any gentlemen, or party, that may feel it necessary to have legislation upon the subject, to prevent their intermarriage or miscegenation with any race. I would be ready to go into even that kind of special legislation, if I could do it consistently with the essential principles that should enter into the organic law of a great, majestic State. But I do trust we shall not come down and incorporate, here, in the organic law of the State, a rule to govern each man's house and family. I do not want the Constitutional Convention to legislate some man into or out of my parlor, or to legislate me into or out of his. These are questions, not of politics, but of the philosophy, of the social history, of the world. They regulate themselves, and gather society into classes, which cling around their great central ideas, rules, and principles. You never can regulate social and conjugal intercourse by law. I grant, of course, you may erect a barrier to legal intercourse; and when you shall have done that, then, if men's tastes, or women's either, run counter to the rule which you establish, they will find ways and means, as remarked by the honorable gentleman on the other side of the hall [Mr. LANGLEY], for the accomplishment and gratification of their tastes, socially and sexually. It is utterly impossible to control by any such barrier. I take it for granted, that as I do, gentlemen honestly deprecate conjugal relations between the two races. If I should raise a daughter or son so totally destitute of education or taste, that, when they shall have passed beyond the control of the parental roof, they should form improper and ill-advised connections of a matrimonial character, with this down-trodden and degraded race, or any other that shall be obnoxious to my tastes, views, and feelings, I do not ask any legislation on the subject. Let them confront the tastes and views and habits of society, with regard to all these social questions. And if gentlemen are sincere in desiring to prevent this intercourse of the races, either by marriage or illicitly, except as you may enact laws for the regulation of the *morals* of society with regard to intercourse between the sexes, then do nothing upon this subject. There is a more powerful regulation, to control these matters, if you leave them wholly to society. Let the philosophy of society, let the fitness of things, let the proprieties of life, let the social standard fixed by the people, without regard to race, color, or party, regulate this question.

Why, sir, are we ready, now, and, most of all, are we, as Republicans, ready to enter upon a system of class legislation? Are we ready to break over all the great cardinal principles upon which the policy of the country is founded? I speak not of them as the principles of a mere party. In that respect, as regards a mere political agitation, I have no anxieties, in regard to this, that, or the other party. But I look at those great principles which lie at the base of the organization of the Republican Party, as cardinal principles,—the principle of the inalienable character of human rights. Are we ready to sanction such a principle, in the enactment, in the organic law of Arkansas, by Republican votes? For we understand perfectly well that these honorable gentlemen who represent the Opposition are bound, by their views—certainly by the position of their party,—to antagonize any and all enactments that may pass this body. If a constitution be framed here, sent out to the people, and ratified by the people, and this State restored to her practical relations with the General Government, it must be done, here and outside, by the votes of friends of reconstruction, which is but another term for Republican votes. We have now no longer a hope to the contrary—that, we see clearly. We did hope, at an earlier period of the session, that we might have had the co-operation of these gentlemen. I can say, without reflection upon any gentleman, we have had the personal pledges of gentlemen of the Opposition, that they would assist us in framing a proper organic law for the State, and advocate, before the people, its adoption. But now we understand distinctly that their position has been changed by the official action of the party, and they are placed under obligation to oppose everything which we may adopt. Suppose we had adopted the Constitution proposed by the honorable gentleman from White [Mr. CYPERT], which ignores this question entirely. It would have been opposed, upon the stump, and, I submit, even here, by the votes of these honorable gentlemen themselves, upon the final vote. If we should adopt the Constitution of Ohio or Pennsylvania. are not these honorable gentlemen pledged to oppose reconstruction upon any and every basis? With an utter absence of feeling, with an utter absence of everything that could possibly be distasteful to an honorable man, I say the issue is made up; and I ask honorable gentlemen of the Republican Party, in this hall and throughout the State,—will we allow ourselves to be thus thrown into confusion by the introduction of this tail-end, this worn-out argument of the old institution that cursed the country and drenched it in blood? Will we cater to this prejudice of ignorance, superstition, and slavery, and allow ourselves to be thus distracted from the pursuit of the great end which we, in common, have before us? That is the object of this movement here. I charge it not upon any individual specifically; but I charge upon this movement, to-day, in this Convention, that ultimate purpose—that is the object and aim. When you come to simmer it down, it is simply a movement, by an appeal to the prejudices of the people of Arkansas, to defeat reconstruction, and continue this state of disorganization, anarchy, and starvation, in our State. I do not believe that we are ready for class legislation. We are sent here as the representatives of the principle of anti-class, anti-sectional legislation.

Mr. CYPERT. I rise to a point of order. If the debate is to take this course, and all this harangue is to continue, I call upon the gentleman to stop.

Mr. BROOKS. Let the gentleman state his point of order.

Mr. CYPERT. The gentleman is alluding to political affairs outside this body. If that course of debate is to continue, we would like to reply to it; but we do not desire to take up the time of the Convention in such discussion, at all.

The PRESIDENT. The gentleman [Mr. CYPERT] is out of order, in the first place, in characterizing the speech of the gentleman from Phillips [Mr. BROOKS] as an "harangue."

Mr. CYPERT. It is a matter of taste.

The PRESIDENT. The Chair furthermore understands that the gentleman from Phillips is speaking directly in favor of the substitute. The gentleman from Phillips will proceed.

Mr. BROOKS. I should perhaps have been through by this time, if the gentleman had refrained from the interruption. Of course, it is his privilege to rise to a point of order. And I will only say this, in addition to what has been presented.

To declare who shall be permitted to intermarry, to forbid the intermarriage of the white with the black, the mulatto, or any grade in the infinite shades of color, I think beneath the dignity of this body. I think it ill-timed; and I say, on behalf of myself and my more intimate friends and acquaintances, in this Convention and in the State, as far as I understand the matter I believe it to be wholly gratuitous. I know, as regards the friends who stand firmly with us upon the great issues of the party, it is entirely needless. I think we shall receive no harm in the canvass—certainly, we shall not be injured in the opinion of the intelligent, who share the light of the nineteenth century, if we refrain from special class-legislation against persons of African, of German, of French descent, or mixed up in whatever way they may be.

I hope, sir, that we may come to a direct vote upon this question. I had not designed any speech, at all, and should not have addressed the Convention at such length, but for the latitude given to the debate, and the evident drift of purpose I have already indicated. I am opposed to any such specific legislation, as such. I am opposed to any class-legislation here. I hope we may be able to clear the entire coast, and leave this question of legislation to the General Assembly, for its action, when it shall meet. And I therefore move to reject the whole matter.

Mr. CYPERT. I am not about to discuss, particularly, the merits of the question before the Convention; but I claim the right to reply to the allusion just made to the position in which I placed myself by the Ordinance which I proposed a few days ago.

The PRESIDENT. The gentleman may be permitted to proceed in his remarks, as a matter of explanation. He has spoken once upon the main question.

Mr. CYPERT. I know the attitude in which the gentleman [Mr. BROOKS] intends to try to place those whom he styles the Opposition. I know, full well, that his ingenuity and chicanery would be sufficient to create a false impression upon the minds of those who heard him. It will be remembered, by every gentleman upon this floor, that I assumed the position, in offering, for adoption here, a Constitution which was acquiesced in by the people of Arkansas, and approved by the General Government, that I did so for the sole reason that the adoption of that instrument would disorganize no part of our Government. I gave it, as my individual opinion—ignoring, as I do to-day, the question of our right to carry the proposition into practical effect—that no particular branch of the Government had the right to prescribe what our action should be. We will assume that if the proposition had been accepted, we should, upon the final vote, have voted against it. Does the gentleman see our hearts? I urged it with as much zeal and sincerity as I could. The gentleman's remarks contain an implication that I was dishonest in my advocacy of the proposition. A plain implication. If the gentleman be honest in his position, it is his own views that now seem to be so obnoxious to him. However much he has advocated, here, the adoption of certain measures that were proscriptive, however he has favored "class-legislation" upon this floor,—when it comes to dealing with another class, whose relations affect him in a different way, he sees from a different stand-point. It will be remembered that I notified the gentleman, a few days ago, that he was mistaken in himself,—that he was really a proscriptionist, and did not know himself. While he is liberal in one way, he is excessively illiberal in another.

As to the question before the Convention, it is immaterial what is done with it here. It is not for me to discuss it. I did not introduce the proposition, and had nothing to do with its introduction. I shall vote upon it in accordance with my individual views, without any regard to what may be the final action of the Convention. I consider myself responsible only for my individual choice as between the substitute and the original proposition. The question is now on the insertion, in the Constitution, of a certain clause. When the question shall arise upon the adoption of a Constitution, containing this or other certain clauses, it will be time enough for me to say yea or nay upon the final passage. In the discussion of these preliminary motions, I offer only my own individual views as to the preference between the questions directly before the Convention, at the time. I commit myself to no particular line of action upon the final vote. Upon the only final vote that will be taken in this body, I shall be upon the record; and I am willing to stand by it, and will stand by it before the country.

The gentleman alludes to the party, which we represent, as having fixed our status, and bound us to oppose the final measures of the Convention. That party endorsed, the gentleman well remembers, the Constitution of Arkansas, and endorsed it as the organic law of the State. Is that more than I did here—more than I have a right, as an individual, to do anywhere? The party to which the gentleman attaches me, has endorsed and is willing to abide by the Constitution of Arkansas. They have published their declaration to the world, and they will stand by it before the world.

Mr. GANTT. I desire to set myself right upon this question. When the discussion commenced, I had not the most distant idea of participating in it. Some remarks, however, have been made, to which I conceive it due to myself at least, that I make some reply. I will state, in the outset, that I do not conceive a Constitutional provision of this description to be necessary; nor am I prepared to admit that the incorporation of such a provision into the Constitution is desirable. But whilst I might not have introduced a proposition of the sort, before this body, and whilst I am compelled to say that such a proposition is unusual and unnecessary in a Constitution, yet, when that question is presented to me, I must act upon it with reference to its merits. As this Convention well knows, I have been a silent member. I have not generally indulged in discussion. I have chosen, always, to indicate my sentiments, on all questions, by my vote, rather than by what I might say upon this floor.

Starting out with the admission that such a provision in a State Constitution is unusual, still, when the question is presented, I desire to act in accordance with the dictates of my best judgment. And I desire to record my vote upon that question directly. I am very much gratified that the Convention has seen fit to refuse all references to committees. The object of all propositions for a reference, if there was any object at all, was to prevent a direct vote upon the question, in Convention. I say, further than that, that I am opposed to the substitute offered; not because I am unwilling to give my vote or my voice against miscegenation, but because I desire to vote upon the original proposition, as introduced by the gentleman from Bradley [Mr. BRADLEY], and as amended by the member from Phillips [Mr. GREY.] I shall vote for both the amendment and the original resolution; and I want the vote to be taken directly. I shall vote upon it, and vote cheerfully. Let us make the record, if a record is desired.

It is not my purpose to indulge in stump speeches upon this floor. Allusions have been made to conventions of political parties, which have recently assembled. The action of those party conventions will go to the country; and they have to abide the verdict of the people. We have heard of "Hippodromes." I desire to say, now, that no sneers, no flings, of that kind, have been made upon this floor, by gentlemen on this side of the house. The other party in politics, in Arkansas, assembled in convention, as they had a right to do under a free government; they announced their principles, they put their platform before the country; and I have yet to hear any gentleman on the other side of the question cast any fling at that party, by the use of such terms as "Menagerie" or "Hippodrome." The gentleman [Mr. MONTGOMERY,] was unfortunate in his choice of epithets; for it is said that the horse, next to the elephant, is the most intelligent of all animals known to man. A hippodrome is an exhibition of horses; and if I must associate myself with animals, I prefer to go where the animals are the most intelligent. [Laughter.]

I would reply to another remark. I may have misunderstood the gentleman; and I hope I did. I refer to the statement of the gentleman from Clark [Mr. LANGLEY.] I understood him to assume the position that no constitution, under the Reconstruction Acts, could be accepted, or so much as received, by Congress,—that Arkansas could come into the Union under no constitution,—that did not recognize the right of marriage, between the white and black races, and even the right of illicit intercourse if they desired it. If I am wrong, I will give way to the gentleman, to allow him to correct me.

A MEMBER [*in his seat.*] That was it.

Mr. GANTT. I subscribe to no such doctrine as that. I do not believe that there rests upon us the obligation—that we are charged with the duty—of making a constitution which contains a solitary one of the conditions mentioned in the Reconstruction Acts. We make a constitution to suit ourselves; and if Congress chooses to accept us under that constitution, we come in. If Congress does not so choose, we will remain out in the cold. But I do not believe that I am under an obligation to assist in making a particular constitution, and none other. If the proposition were true in point of fact, there was no necessity for this Convention; Congress should have made the constitution, and admitted the State under that constitution. And whenever the assertion is made that this Convention, called, under the Reconstruction Acts, to frame a constitution for Arkansas, is compelled, under those Acts, to make a constitution containing those provisions, you deny to the people, and to the State, all rights; you make the

Federal Government supreme: and if she can dictate now, if she can make a constitution for us, she can change our constitution at will, and the people in the States have no rights. To such a proposition I never have subscribed, nor do I intend to now. Neither do I believe that the honorable gentleman from Clark, in his heart, believes that the Reconstruction Acts require the framing of such a constitution as will legalize marriage and justify illicit intercourse between the white and black races. But such was his statement, and I take it as he made it.

The gentleman from Phillips [Mr. BROOKS] opposed this action, because, he said, it constituted an interference with one's household, and it was unusual, impolitic, and unjust to undertake the regulation of household affairs—the regulation of marriage. In other words, that the law could not put its foot upon affection—that affection might spring up between the opposite sexes of different colors, and the law could not step in and crush that affection, separate the parties, and prevent their union as husband and wife. But the law does undertake to regulate households. The law does undertake to prevent, and does prevent, the marriage of particular persons. The gentleman well knows that the marriage of persons related within certain degrees, is prohibited. According to his rule, there could be no law against incest. According to his rule, the law could not step in to say, that father and daughter, brother and sister, may not marry. According to his theory, the law has nothing to do with marriage relations, and, without regard to blood, race, or other circumstances, all men and women have a right to intermarry.

Mr. BROOKS. I would be glad to correct the gentleman. It will be remembered, I think, by the gentlemen of the Convention, that while making the point which the gentleman has now under consideration, I explicitly stated that it was not competent for legislation to take hold of the question of affection, courtship, and marriage, *as between classes;* that the boundaries in that respect were fixed by the Word of God, as received among civilized and Christian nations, and that the question of marriage and sexual intercourse might be regulated to the extent covered by the teachings of Holy Scripture.

Mr. GANTT. I understood the gentleman; and I do not see that his statement varies substantially from the position I had attributed to him. Certainly, when he speaks of "classes," he must have reference not only to those classes distinguished by color and sex, but by relationship and by blood. If I understand him, his proposition now is, that the law has no right to step into a man's household and regulate intercourse, under the sanction of marriage, between persons of particular classes,—that the law has no right to prevent marriage between the white and black races. Has it, then, a right to step in and say there shall be no marriage between the father and daughter? I admit, cheerfully, that the Word of God forbids incestuous marriage and intercourse; but does the Word of God prevent it? It has *not* done it; and it has become necessary, in the administration of the affairs of government, to enact laws prohibitory of such outrages upon morality. The legislative power, not only of Arkansas, and of every American State, but of every civilized community upon the globe, has enacted such prohibitions. They interfere between the two classes, and prevent the marriage. Now, so far as intercourse between the races is concerned, it is unfortunately true, that there has been illicit intercourse. Such intercourse does occur; and I doubt whether even an ordinance framed under the amendment proposed, which affixes the penalty of death to such cohabitation, would prevent it. It might lessen, but would not entirely prevent it.

I take it for granted that that black man whose blood is pure, desires to preserve it pure, and that that black man who loves virtue, desires to be virtuous. I take it that the white man and the white woman so feel. If they love their race—if either white or black love their race,—they desire to preserve it pure; and if they love virtue they will keep apart, and not engage in illicit intercourse. If this proposition had not been tendered to the Convention, I should never have introduced it; for say what we will, I know it is a question dealing to some extent with the affections which find their way into the human heart. Men and women differ in taste; and whilst I sincerely and honestly believe that the virtuous and upright black woman should never consent to cohabit with a white man, such intercourse does take place, and affections may grow up between the two, without regard to color, that would bring them together. But I believe a direct prohibition of such a marriage would be best alike for both. I believe it would be better for both, and for the country at large, that the law should put its condemnation upon such marriages, even if it thus sacrifice an individual affection.

I repeat now, in conclusion, that I regard the introduction of this resolution as unfortunate. I do not see the necessity for it; for, as it has been remarked by the gentleman on the other side of the hall [Mr. BROOKS], such a provision, in the organic law of a State, is unusual. But as the question is before me, I shall vote upon the proposition, with reference to its intrinsic merits. And while I would not have introduced it myself, I shall certainly record my vote in accordance with my sentiments on the subject.

Mr. MALLORY moved that the Convention adjourn.

The question was taken, and the motion was agreed to;

And thereupon, at 12.30, P.M., the Convention adjourned to 10, A.M., of Thursday, January 30th.

NINETEENTH DAY.

THURSDAY, *January* 30*th*, 1868.

Convention met at 10, A.M.

Prayer was offered by the Rev. ENOCH K. MILLER.

The roll was called, and the following members answered to their names:

Messrs. Beasley, Belden, Bell, Bradley, Brashear, Brooks, Coates, Corbell, Cypert, Dale, Duvall, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Matthews, Merrick, Misner, Montgomery, Murphy, McCown, McClure, Moore, Norman, Oliver, Owen, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Reynolds, Rounsaville, Sams, Samuels, Sarber, Scott, Shoppach, Sims, Smith, Snyder, Van Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President.

SICK AND EXCUSED: Messrs. Hollis, and Hodges of Crittenden.

A quorum of the members of the Convention having answered to their names:

The Journal of the preceding day was read and approved.

EDUCATION.

No petitions being presented, and

Reports of standing committees being in order,

Mr. HUTCHINSON, on behalf of the Committee, presented the following

REPORT OF COMMITTEE ON EDUCATION.

SECTION ONE. A general diffusion of knowledge and intelligence among all classes being essential to the preservation of the rights and the liberties of the people, the General Assembly shall establish and maintain a system of free schools for the gratuitous instruction of all persons in this State between the ages of five and twenty-one years; and the funds appropriated for the support of common schools, shall be distributed to the several counties, in proportion to the number of children and youths therein contained (between the ages of five and twenty-one years) in such manner as shall be prescribed by law. But no religious or other sect or sects, shall ever have any exclusive right to, or control of, any part of the school fund of this State.

SECTION TWO. The supervision of public instruction shall be vested in a Superintendent of Public Schools and such other officers as the General Assembly shall provide. The Superintendent shall be elected by the qualified voters of the State, and shall hold his office for the term of four years, and receive such salary, and perform such duties, as shall be prescribed by law.

SECTION THREE. The General Assembly shall also establish and maintain a State University, with departments for instruction in teaching, in agriculture, and in natural science, as soon as the public-school-fund will permit.

SECTION FOUR. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this State, and not otherwise appropriated by this State or the United States; also all moneys, stocks, bonds, lands, and other property now belonging to any fund for purposes of education; also the net proceeds of all sales of lands and other property and effects that may accrue to the State by escheat, or from sales of estrays, or from unclaimed dividends or distribution shares of the estates of deceased persons, or from fines, penalties, and forfeitures; also any proceeds of the sales of public lands which may have been, or hereafter may be, paid over to this State (if Congress will consent to such appropriation); also all the grants, gifts, or demises, that have been, or hereafter may be, made to this State, and not otherwise appropriated by the terms of the grant, gift, or demise, shall be securely invested and sacredly preserved as a public-school-fund, which shall be the common property of the State; the annual income of which fund, together with one dollar *per capita* assessed on every male inhabitant over the age of twenty-one years, and so much of the ordinary annual revenue of the State as may be necessary, shall be faithfully appropriated for establishing and maintaining the free schools and the university in this article provided for, and for no other uses or purposes whatsoever.

SECTION FIVE. No part of the public-school-fund shall be invested in the stocks or bonds or other obligations of any State or corporation. The stocks belonging to any school or university-fund, shall be sold in such manner and at such time as the General Assembly shall prescribe, and the proceeds thereof, and the proceeds of the sales of any lands or other property which now belongs, or may hereafter belong, to said school-fund, may be invested in the bonds of the United States. All county-school-funds shall be loaned upon good and sufficient unincumbered real estate security, with personal security in addition thereto.

SECTION SIX. No township or school district shall receive any portion of the public-school-fund, unless a free school shall have been kept therein for not less than three months during the year for which distribution thereof is made. The General Assembly shall require, by law, that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of five and eighteen years, for a term equivalent to three years, unless educated by other means.

SECTION SEVEN. In case the public-school-fund shall be insufficient to sustain a free school at least five months in every year, in each school district in this State, the General Assembly shall provide, by law, for the raising of such deficiency, by levying such a tax on all the taxable property in each county, township, or school district, as may be deemed proper.

SECTION EIGHT. The General Assembly shall, as far as it can be done without infringing upon vested rights, reduce all lands, moneys, and other property, used or held for school purposes, in the various counties in this State, into the public-school-fund herein provided for; and the distribution of the annual income of said fund shall be so made as to equalize the amount appropriated for common schools, among those entitled to the benefits of the school-fund, throughout the State.

J. H. HUTCHINSON,
Chairman of Committee.

Mr. HINDS moved that the Report be laid upon the table, that one hundred copies be printed for the use of the members of the Convention, and that it be made the special order of the day for Monday, February 3d.

The question was taken; and the motion was agreed to.

DEBTS DUE TO SCHOOL-FUNDS.

No reports of select committees being presented, and

Motions, resolutions, and notices, being in order,

Mr. MATTHEWS presented the following resolution:

Resolved: That in any action of this Convention regulating the relations of debtor and creditor, an exception should be made regarding debts owing to the school-fund of any County of the State.

He said: This resolution has been offered in consequence of the receipt of a letter from the School Commissioner of my own County. I have not thought on the subject, at all, and do not care that any other action shall be taken upon it, at present, than a reference to the proper committee. I suppose the Committee on the Judiciary to be the proper one to take cognizance of the subject; and I move that the resolution be referred to that Committee.

The question was taken; and the motion was agreed to.

INTERMARRIAGE OF THE RACES—AGAIN.

The unfinished business, next in order, being

The consideration of the substitute offered by Mr. MONTGOMERY, for the following resolution offered by Mr. BRADLEY, viz.:

Resolved: That the Committee on Arrangement and Phraseology of the Constitution be, and they are hereby, instructed to insert a clause in the Constitution, forbidding any officer, either civil or ecclesiastical, to solemnize the rites of matrimony between a white person and a person of African descent, within the limits of this State:

Which substitute was as follows:

Resolved: That the Committee on the Constitution, its Arrangement and

Phraseology, be, and it is hereby, instructed to insert a clause in the Constitution, requiring the General Assembly to enact laws to more effectually prevent miscegenation, and thereby inaugurate a great reform in the State of Arkansas.

Mr. MONTGOMERY moved that the whole subject be referred to the Committee on the Preamble and Bill of Rights.

Mr. BRADLEY obtained the floor, when

Mr. MONTGOMERY rose to a point of order. The question was not debatable.

Mr. BRADLEY. You needn't be alarmed—I am not going to make a speech; but I know what my rights are. I wish to make an explanation in regard to this matter.

The PRESIDENT. Any personal explanation is in order, but no discussion.

Mr. BRADLEY. I do not wish to make a speech. But various representations have been made as to my motives in introducing the resolution—

The PRESIDENT. The remarks of the gentleman will be out of order at the present time.

Mr. BRADLEY. I understood that, as the introducer of the resolution, I had the right to a final answer to the speeches which have been made upon it.

The PRESIDENT. The gentleman is correct; but a motion to refer is not debatable. Should that motion be lost, the gentleman will have a right to close the debate; and if agreed to, he will have the right of closing, when the resolution shall have been reported upon by the Committee.

Mr. BRADLEY. I did not propose to occupy the time for ten minutes.

Mr. MOORE asked for the yeas and nays.

The yeas and nays were ordered.

Mr. McCOWN. Is that motion amendable?

The PRESIDENT. It may be amended by changing the reference to another committee, but in no other way.

Mr. McCOWN. Perhaps the gentleman [Mr. MONTGOMERY] will himself so amend as to require that, if referred, the Committee shall be directed to report back the resolution to the Convention, to-morrow morning.

Mr. MONTGOMERY. I will not accept the amendment.

Mr. McCOWN. I present it as an amendment.

My object is, to have the resolution before the Convention, and have it disposed of fully and fairly.

After some remarks, by different members, upon the parliamentary aspect of the question before the Convention,

Mr. MOORE asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative,—Yeas 21, Nays 45, as follows:

YEAS: Messrs. Beasley, Bradley, Corbell, Cypert, Duvall, Gantt, Hoge, Kyle, Matthews, McCown, Moore, Norman, Owen, Poole, Portis, Puntney, Reynolds, Shoppach, Walker, Wilson, and Wright—21.

NAYS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Priddy, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, Van Hook, White, Williams, Wyatt, and the President—45.

So the amendment was rejected.

The question was then taken on the motion to refer the whole subject to the Committee on Preamble and Bill of Rights; and it was decided in the affirmative,—Yeas 43, Nays 23, as follows:

YEAS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hinds, Hinkle, Hodges, of Pulaski, Houghton, Hutchinson, Johnson, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Priddy, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, White, Williams, Wyatt, and the President—43.

NAYS: Messrs. Beasley, Bradley, Corbell, Cypert, Duvall, Gantt, Hicks, Hoge, Kyle, Matthews, McCown, Moore, Norman, Owen, Poole, Portis, Puntney, Reynolds, Shoppach, Van Hook, Walker, Wilson, and Wright—23.

So the whole subject was referred to the Committee on Preamble and Bill of Rights.

EXECUTIVE DEPARTMENT—AGAIN.

The PRESIDENT announced as the business next in order, the special orders of the day, being, first, the consideration of the Report of the Committee on the Executive Department.

Mr. SARBER moved that the Report be referred to the Committee on the Constitution, its Arrangement and Phraseology.

The question was taken; and the motion was agreed to.

INTERMARRIAGE OF THE RACES—AGAIN.

Mr. McCOWN offered the following

ORDINANCE.

Be it ordained, by the people of the State of Arkansas in Convention assembled: That all marriages of white persons with negroes or mulattoes are declared to be illegal and void: and it is hereby made the duty of the General Assembly to enact such laws as will prevent miscegenation in this State.

The Ordinance was read a first time.

Mr. HINDS moved that the Ordinance be referred to the Committee on Memorials and Ordinances.

Mr. McCOWN. This is a subject on which we ought to come to a direct vote. A motion of that sort is simply a motion in avoidance. The motive is, to avoid coming to an issue; and the question is one upon which we must come to an issue, sooner or later.

Mr. SNYDER rose to a point of order. Was the motion to refer, debatable?

The PRESIDENT. It is not; but gentlemen have been permitted, in submitting resolutions, etc., of this nature, to accompany them with a remark. The Chair hopes that gentlemen will refrain, henceforth, from such remarks, without imposing upon the Chair the necessity of calling them to order.

Mr. HICKS asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative,—Yeas 46, Nays 20, as follows:

YEAS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hinds, Hinkle, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Priddy, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, White, Williams, Wyatt, and the President—43.

NAYS: Messrs. Beasley, Bradley, Corbell, Cypert, Duvall, Gantt, Hicks, Hoge, Kyle, Matthews, McCown, Moore, Norman, Owen, Poole, Priddy, Puntney, Reynolds, Shoppach, Van Hook, Walker, Wilson, and Wright—23.

So the Ordinance was referred to the Committee on Memorials and Ordinances.

FINAL ADJOURNMENT.

Mr. CYPERT. I move that Saturday next be fixed as the day for the final adjournment of the Convention, *sine die.*

Mr. HODGES, of Pulaski. I move to amend so that when we adjourn we adjourn subject to the call of the President of this Convention.

Mr. CYPERT asked for a division of the question.

Mr. MOORE moved, as a substitute for the motions before the Convention, that the Convention now adjourn, *sine die.*

The question was taken; and the substitute was not agreed to.

The question recurring upon the amendment providing that when the Convention should adjourn, it adjourn subject to the call of the President of the Convention,

Mr. CYPERT asked for the yeas and nays.

The yeas and nays were ordered.

Mr. KYLE. The motion to adjourn *sine die* is debatable, is it not?

The PRESIDENT. The question is upon the amendment.

Mr. KYLE. What is implied by the words, "subject to the call of the President?"

The PRESIDENT. That when the Convention shall adjourn, it will remain subject to be called together at any time when the President may see fit.

Mr. KYLE. There is a rule requiring us to meet at ten o'clock in the morning.—

Mr. HODGES, of Pulaski, rose to a point of order. The question was not debatable.

The PRESIDENT. The Chair does not understand the point of order to be relevant. The gentleman from Dallas [Mr. KYLE] the Chair understands to be asking for information.

Mr. McCLURE. Is the amendment of the gentleman from Pulaski [Mr. HODGES] intended to repeal the standing order that the Convention adjourn to meet at ten o'clock in the morning?

The PRESIDENT. It is not. There is a motion that next Saturday be fixed as the day for the final adjournment. The amendment proposed is, that when we do finally adjourn we adjourn subject to the call of the President of the Convention.

The question was taken upon the amendment; and it was decided in the affirmative,—Yeas 46, Nays 20, as follows:

YEAS: Messrs. Beasley, Belden, Bell, Brashear, Brooks, Coates, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hinds, Hinkle, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Oliver, Priddy, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, Wilson, White, Williams, Wyatt, and the President—46.

NAYS: Messrs. Bradley, Corbell, Cypert, Duvall, Gantt, Hicks, Hoge, Kyle, Matthews, Moore, Norman, Owen, Poole, Portis, Puntney, Reynolds, Shoppach, Van Hook, Walker, and Wright—20.

So the amendment was agreed to.

The question recurring upon the motion as amended,

After an explanation, by the President, in answer to queries by Messrs. KYLE, DALE, and CYPERT, of the parliamentary aspect of the question, Mr. HODGES, of Pulaski, moved, as a substitute for the amended proposition before the Convention, the following:

Resolved: That when the Convention finally adjourns it shall be at the call of the President, whose duty it shall be to convoke the Convention, in case the Constitution should not be ratified, for the purpose of taking such steps as may be necessary, for the formation of civil government for the State of Arkansas. He shall also, in that case, call upon the proper officer of the State to cause elections to be held to fill any vacancies that may exist in the Convention.

Mr. KYLE. I have an opinion with regard to the duties which we came here to perform; and I believe I may as well express it now as at any other time.

A MEMBER [*in his seat.*] Now is the time.

Mr. KYLE. I came here, in good faith, to assist with the delegates of the people in making a Constitution—as I hope we shall be able to do,—and make it acceptably to the people of the State, so that we might inaugurate civil government, and rid ourselves of military rule. That was the object which induced me to encounter a canvass for a seat in this Convention. And I am opposed to adjourning *sine die* on next Saturday, or at any very early period, short of accomplishing the objects for which we assembled.—

The PRESIDENT. The Chair would state that no motion to adjourn *sine die* is now before the Convention.

Mr. KYLE. I understand the question to be upon the adoption of the substitute.

The PRESIDENT. It is.

Mr. KYLE. The substitute proposed is, that when we adjourn we adjourn subject to the call of the President. I shall vote against that proposition, for the reason that I think we have time enough to determine, after a while, whether or not there will be any exigency requiring such a call. If we will set to work to frame a Constitution—one that will commend itself to the people,—there will be no necessity of any provision for a call by the President; for in that case there is little or no doubt that the people will adopt the Constitution.

The PRESIDENT. The gentleman is discussing a question which the Chair understands to have been already decided. The Convention has determined that when it adjourns, it shall adjourn subject to the call of the President. This was an amendment to the original motion, which then came before the Convention, as amended. A substitute for the amended motion was then offered; and the question first arises upon the adoption of the substitute.

Mr. CYPERT. The substitute, if adopted, presents a very remarkable state of things for the people of Arkansas. If perpetual rule over the people of this State is to be established, vested in any one body, I must here announce that I want that body to be restrained in some way, and that I would prefer, if it is to be unrestrained, that we should have a one-man power. For no one man can think of as much deviltry as seventy-five. If this Convention is going to perpetuate its existence, and govern Arkansas for the future, I much prefer that the military commander should be our ruler. As I before remarked, I am sure, however corrupt—I do not impute to the military commander anything of the kind—but you may assume that he is ever so corrupt, and he could not think of so much mischief as seventy-five bad men. As a choice of two evils, I would prefer to be governed by the military commander, rather than by seventy-five irresponsible men. To whom is this Convention responsible? It seems to be a peculiar convocation of individuals; and I would like to know what power we do possess, and whether we have the authority to perpetuate our existence. If we are, I must say I do not wish to perpetuate my own existence as a member of this body, any longer. [Slight applause from the right.] I did not come here to help establish a junto to rule the people of Arkansas. I did not come here to help make any government that should be unchangeable by the people when it should cease to be what the people desired,—when it should cease to perform the functions of a wholesome government; nor would I consent to the establishment of any political system which the people should not have power to change, to meet the exigencies that might from time to time surround them. Human capacity is not so perfect as to be able to devise a government that may not need change at some time.

If I understand this substitute, it places within the power of the President to convoke or reassemble this Convention, at any time, upon his own judgment and at his own discretion; and provides that, when so convened, upon the happening of a certain contingency, the Convention shall then have supreme power in the State, and may establish such government as they may see fit. It seems to me a very remarkable power, to be conferred on this or any body of men. It reminds me of some of the arguments urged by gentlemen a few days ago, when I observed that it was a very remarkable circumstance, in the history of our country, that a class of individuals who were not citizens of the United States should be used as instruments to make themselves citizens. I now say it is equally remarkable that this body should possess the power to make itself perpetual. I may say that men have lost sight of the principle of limited government. All governments made for the protection of the people have limited powers, and unless so limited, they become despotisms; and we have all been educated to resist despotism. There is such a thing, I must tell you, as the last feather upon the camel's back. And let me tell you,—do not goad the people of Arkansas into any further resistance! Do not do it! Let us have a government that we can all acquiesce in. Do not goad them into resistance! They are tired of strife. They desire peace. They desire quietude. The country is devastated and ruined; we want peace again, to build up the country. Do not, I say, take a step that will goad them into further strife!

Mr. WILSON. I move to lay the whole matter upon the table, indefinitely.

Mr. HINDS. The gentleman from White [Mr. CYPERT] seems to have arrived at the conclusion that this is a very remarkable proposition. The substitute offered by the gentleman from Pulaski [Mr. HODGES]——

Mr. MOORE rose to a point of order. A motion to lay upon the table was not debatable.

The PRESIDENT. The Chair heard no second to the motion, until after the gentleman from Pulaski [Mr. HINDS] had obtained the floor: consequently, the Chair did not announce the question.

Mr. MOORE. It was seconded.

The PRESIDENT. The Chair did not hear the second. The gentleman from Pulaski [Mr. HINDS] will proceed.

Mr. HINDS. If the gentleman [Mr. CYPERT] will look back for a short period, to the time when the Convention of 1861—of which, I believe, he was a member—sat in this hall, it will perhaps come to his recollection that the same action proposed for this Convention was then adopted by that body.

Mr. CYPERT. I desire to correct the gentleman [Mr. HINDS] in his reasoning. The Convention adjourned to a day certain, and provided for a contingency that might arise between the day of adjournment and that time. It adjourned to a particular time, and made that adjournment final. If, however, it were not called between the adjournment and that particular time, it was to be adjourned *sine die*.

Mr. HINDS. The amendment is to that effect. When that Convention adjourned, it did adjourn; and was called together by the President of the Convention; and in the first half day after the assembling of the Convention, if I am not mistaken, they passed an ordinance of secession.

Here, also, is a possible contingency, to call for the reassembling of this Convention. If the Constitution submitted to the people shall not be adopted by the people, then the Convention ought to be enabled to meet again, in order that the objects for the attainment of which we are met shall not be defeated, but that civil government may be established in Arkansas, under the terms proposed by the Reconstruction Act. I understand that to be the object of the motion of the gentleman from Pulaski, [Mr. HODGES], viz.: that when the Convention shall adjourn, it may reassemble at the call of its President; and that if reconstruction should fail, if a constitution submitted to the people should be defeated, it shall be in the power of the Convention, by so reassembling, to establish, within the limits of the State of Arkansas, civil government, as contemplated by the Reconstruction Act. I think we have a precedent, established by the Convention of 1861, of which the gentleman [Mr. CYPERT] was an honorable member; and I consider it fully competent for us to follow the precedent.

Mr. BRADLEY. It occurs to me that we would not be justified in following any wild precedent of any former convention, and that in this proposed action we are going beyond the provisions of the Military Bill, under which we came into existence. Gentlemen seem to forget that Congress is still in existence, and in session, and has charge of the whole question of reconstruction. Congress nowhere provides or proposes that we may adjourn from time to time, and make, one after another, a dozen constitutions. If the people vote the Constitution down, we are not authorized, by the Military Bill, to usurp the government of this State, and set ourselves up as a reigning dynasty, to overrule the people of the State. Congress will never acquiesce in such action, though there may be bad and designing men in Congress. We are overleaping the length of our cable-tow. When we adjourn, we adjourn. We have no power to exceed the provisions of the Military Bill.

Sir, I wish to enter a protest, and I may as well do it now as at any time. I came here under the provisions of the Reconstruction Acts, to help build a government upon the broad basis of the will of the people. But I did *not* come to build a government upon the basis of the dynasty of a few men, who propose to assert the right, at their own caprice, to control the destinies, to absorb all the powers, and to grasp all the emoluments, of the State—everything,—Penitentiary, railroads, Hot Springs, and everything else! I will not longer, as a representative of the people, sit here and suffer this usurpation to pass in silence. I will enter a protest; and I will inscribe it indelibly upon the skies, that every man and woman, white or black, in the State of Arkansas, shall read, that we are going beyond the provisions of the Military Bill, that we are exceeding the bounds of reason, that we are to-day placing ourselves before the world in the attitude of a kind of oligarchy, to take into our own hands the charge of the affairs of Arkansas, and constituting ourselves the civil government of the State. *We*, sir! Great God! What a government it would be! If Barnum would fall back upon his old enterprises, and take it to London, for exhibition in his Museum, he would make a fortune out of the show!

Sir, while the blood runs through my veins, as a freeman and a citizen of this State, I will oppose to the end all such monstrous usurpation of power. I am not here to sow firebrands. A man who has spent his muscle, and bone, and life, upon the soil of his beloved State, who now pays taxes on land in three Counties, and whose ties of blood, of family, of interest, of patriotism, are all with Arkansas,—charged with throwing firebrands in the Republican Party! There are men, I am told, who have said that they did not care a curse whether the Constitution was ratified, or not; for if it were rejected, they could seize the reins of government and establish a despotism. I have acted in good faith. I have kept on my way, until I came to the fork of the road, and saw I must decide my course, and take my choice of the two paths. Then I said to gentlemen here, from whom I had differed:—"Gentlemen, I will stick by my country. I shake hands with you. My heart is for her; and I would sacrifice every political party in the United States, before I would sacrifice my country, and the women and children who look to you and me for protection."

I enter my solemn protest against such damnable heresies as we have heard here. I do it at the peril of everything!

Mr. BEASLEY stated that he had voted for the amendment providing that when the Convention should adjourn it adjourn subject to the call of the President; and would now move a reconsideration of the vote by which the amendment was agreed to.

Mr. McCLURE moved to lay upon the table the motion for reconsideration.

Mr. BEASLEY asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative,—Yeas 43, Nays 20, as follows:

YEAS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hinds, Hinkle, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Priddy, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, White, Williams, Wyatt, and the President—43.

NAYS: Messrs. Beasley, Bradley, Corbell, Cypert, Duvall, Gantt, Hicks, Hoge, Kyle, Moore, Norman, Owen, Portis, Puntney, Reynolds, Shoppach, Van Hook, Walker, Wilson, and Wright—20.

So the motion to reconsider the vote by which the amendment was passed, was laid upon the table.

Mr. BROOKS. I do not propose to occupy the time of the Convention. I have encountered, in this movement, this morning, an important measure, in its bearings and in the results proposed. It is understood, of course, that the movement has originated with the Opposition members of the Convention. The motion of the gentleman from White [Mr. CYPERT], who endeavored to precipitate an adjournment *sine die*, without, as is apparent to every intelligent member of the Convention, the completion of any considerable portion, and, indeed, without the ultimate adoption of any portion, of the work for which the loyal people of Arkansas sent us to this Capitol. The object of that motion will be understood, of course, sir.

Mr. CYPERT. A word has been frequently used, in debate, which I desire to have explained:—"The *loyal* people of Arkansas."

The PRESIDENT. The gentleman from Phillips [Mr. BROOKS] will explain.

Mr. BROOKS. I am not heavy on definitions, Mr. President. I supposed we had had the definition of that term within the last few years, dating from the time the gentleman [Mr. CYPERT] was in the Convention, here, in '61. I had supposed that term to have been pretty well defined—its meaning and bounds. And I will say that if it be designed, by that remark, to make a cut or cast a slur—I will repeat,—the loyal people of Arkansas are ready and willing to give a *tangible* definition of what the term "loyalty" means, and, if the exigency should arise, to repeat the definition! [Applause.]

With respect to the precedent that is spoken of, and the allegation that the proposition contained in the substitute is an unusual thing,—unwarrantable and unjustifiable,—I would be gratified to add, to what the honorable gentleman from Pulaski [Mr. HINDS] has said with respect to the Convention assembled in '61, that though I should be very sorry to quote it as an example, it is, perhaps, at the same time, worthy of consideration as a precedent on this point. I mean no disrespect, no reflection, at all, upon the action of the Convention of 1861, whatever may be my estimate of that action, but speak simply with reference to the proposition, now before us, of adjourning subject to the call of the President. The Convention of '61 did so adjourn, and was afterward convened by the call of the President, who, I believe, is now Chief Justice of the State; and the honorable member, of this Convention, for White, was a member of that Convention also, and, met with other members at that call, and voted to take the State out of the Union of States.

Mr. CYPERT. I ask to correct the gentleman again. As I am sitting here, and am alluded to personally, I want the gentleman's statement to be correct. I know I state the facts correctly. That Convention adjourned to a particular date, with the proviso that if anything should intervene during the recess, which might require the reassembling of the Convention, it could be convened again by its President; but if not convened prior to that time, it stood adjourned *sine die*. I state that as the fact; and I wish gentlemen to incorporate that fact in their speeches, when they make reference to the subject.

Mr. BROOKS. I think that has been sufficiently answered by the honorable gentleman from Pulaski [Mr. HINDS.] I do not think it necessary for me to reply to it.

Mr. CYPERT [*To Mr.* BROOKS.] Just incorporate a statement of the fact in your speech.

Mr. BROOKS. I will. I read from page 102, of the Proceedings of the Arkansas Convention of 1861:

"SECTION 1. *Be it ordained by the people of the State of Arkansas in Convention assembled:* That the President of this Convention be, and he is hereby authorized and empowered, by proclamation or otherwise, to convene this Convention at any time between this and the 19th day of August, A.D. 1861, if in his opinion an exigency should arise within the time intervening between the adjournment and said 19th day of August, A.D. 1861.

"SECTION 2. *Be it further ordained by the authority aforesaid:* That it shall be the duty of the members of this Convention, to reassemble in this hall at the time that may be appointed by the President under this ordinance, and in such event, the delegates shall be entitled to the same mileage and per diem as now provided by law"——

I suppose that states the case as it was stated by the honorable gentleman from White.

Mr. CYPERT. Read further, and you will see that the Convention stands adjourned *sine die.*

Mr. BROOKS. That is one precedent. Another is afforded by the Louisiana Convention, which adjourned subject to the call of its President. But, sir, I desire particularly to call attention to the history of this Convention question in the State of Missouri. A convention was, on the recommendation of the Governor of that State, Mr. Jackson, authorized and provided for by the Legislature, and subsequently assembled, with Mr. Price as its President, and *adjourned subject to the call of the President.* When the attitude assumed by the individual who had presided over it at its first session, was so altered as to render it inexpedient to proceed further under his leadership, it was changed, and a provisional government was appointed, with its proper officers, to remain in operation for three years. The forces of Missouri were levied under the auspices of that Convention, and under the direction of the Hon. Hamilton Gamble, as the Governor of the State of Missouri. I remember that very serious objections were urged, especially to the perpetuity of the Convention; but it proceeded to ordain and establish a provisional government, and to place that government in the hands of loyal men, for administration. And these objections were urged notwithstanding that the Convention had been provided for on the recommendation of Governor Jackson, and had been called in accordance with the enactment of a Legislature overwhelmingly Democratic,—and although presided over by Sterling Price, and at its first session regularly adjourned, subject to the call of the presiding officer—all of which was held in perfect order and, harmony with law, precedent, and constitution, and all that, *until the Convention was placed in other hands*. Another class of men took hold of the reins and drew the car, and then we heard an outcry, from one end of the State to the other, and kept up through the three years of perpetuated existence of the Convention and Provisional Government, that it was a despotism—an awful despotism! In that Convention there were not only "seventy-five men," but about twice that number,—who could, of course, "think of more deviltry" than we could here,—and not only because there were more heads, but because they were old stagers, and had, some of them, thirty years' experience,—particularly in South Carolina. But when Gamble began to act, and continued to act, as Governor, in the stead of Jackson, the Convention suddenly became a despotism. That was the matter, sir!

As to the reassembling of the Convention, and what we may do, and what we may not do, there may be difference of opinion. I allege nothing whatever, as to the motives of honorable gentlemen who differ from the rest of us upon that subject. I must say, however, that there is, to my mind, a vast amount of bombast and bluster, and awful, solemn protest, that I think has very little of argument in it. The first Supplementary Reconstruction Act provides that

> "After the completion of the registration hereby provided for in any State, at such times and places therein as the commanding general shall appoint and direct, of which at least thirty days' public notice shall be given, an election shall be held of delegates to a convention for the purpose of establishing a constitution."

That is, say certain honorable members of this body, to frame, and send out to the people of the State, a constitution which in none of its parts or parcels shall have any force, bearing, or authority, either directly or remotely, until it shall have been passed upon by the people of the State. I submit that such is not quite the language of the law upon that subject. The language of the law is, "to ESTABLISH a constitution." And I suppose that it is not only competent for this Convention to frame a constitution, but to do such acts authoritative, under the Law of Congress, which is the supreme law of the land, as may be necessary in order to carry out the design of the Law under which we are assembled. And certainly, that language, "to establish a constitution," might, I think, be legitimately construed to mean something more than merely to frame something which we are to propose as the organic law of the State, but which has no force or validity, even in its Ordinances or Schedule, or any enactment of that nature, until it is, in all these respects, approved by the people. I submit that, being assembled, with authority to establish a constitution, and do such other things as may be legitimately done by the Convention of the people, assembled by the votes of the people, we may, in these acts, establish something in the way of authoritative legislation, in our ordinances. I suppose it may be found that "Jordan is a hard road to travel," in case a different interpretation be given, and gentlemen attempt, here or elsewhere, to overthrow the authoritative, Constitutional, and lawful enactment of this Convention of the people of Arkansas. I submit that it may be found to be rough work!

But the passage which I have quoted is not all, relevant to this subject, that is contained in the Act under which we are assembled, and proceed. We are convened for the purpose of "establishing" "a civil government." Where, now, is the solemn protest,—where, now, is the "despotism,"—when the Act of Congress declares expressly that we are assembled to establish a civil government for the State of Arkansas? And yet honorable gentlemen take it terribly to heart if there be an intimation that this Convention may, in certain contingencies which might possibly arise, perpetuate its existence, if practicable, to carry out the wishes of the people of the State of Arkansas, and of the Congress of the United States, for the establishment of civil government. As to whether we shall meet the approval of the people of Arkansas, in the Constitution which we shall frame and submit to their consideration, and in such other acts and proceedings as we claim we have authority to perform here, we are perfectly willing to submit that question to the people, and ascertain whether we meet their endorsement, or not. Perfectly willing, sir. But, unlike the honorable gentleman from White, we claim that there are some other people in this country beside the old ruling class of the inhabitants of this State. We are disposed to claim that the twenty-two thousand men in this State, legally registered, qualified electors, under the Law of Congress, who, with their wives and families, represent more than one hundred thousand of its inhabitants, and fully one-half of the whole producing population, constitute one class of the people. We hold that they have a right to say something on this question of government.

The honorable gentleman very earnestly deprecates any attempt to establish a despotism. I am sorry that the gentleman gets frightened at the presentation of the idea of a permanent oligarchy. I think there must be some Banquo in his mind's eye. There must be an old, bony, long-armed, bloody-handed ghost, that he sees in the distance. I think there must be some association connected with this question of despotism, of oligarchy, of rule without law or authority,—some unhallowed vision rising up at the mention of that word; and we might well ask them if we have no power to raze out this "damned spot," and "with some sweet oblivious antidote" to relieve these stuffed bosoms. I trust, sir, that gentlemen who have, in time past, been enabled to confront, not the spectres, but the realities, will not be frightened before anybody is hurt. I think, if they will consent to go easy, and keep their nerves steady, that so far as oligarchies and despotisms, even of brainless and "bad men," to the number of seventy-five—including, of course, the honorable gentleman himself, for we have not the count without him—seventy-five "bad men" will not do worse for the State, than some similar number did in '61. And if the honorable gentleman could not only stand up to the scratch in '61, with the "bad men" assembled in this capitol then, but, as one of the number, could aid, with fratricidal hands, to seize that old flag and trail it in the dust, drench this State with fraternal blood, and desolate these homes through all this fair land, I think he need not be greatly frightened, to-day, at the substitute of my friend from Pulaski.

We propose, by the substitute, simply, to retain, and perpetuate to such a length of time as the exigencies of the occasion may demand, the existence of this Constitutional Convention, holding ourselves, cheerfully holding ourselves, responsible to the Congress of the United States, under whose authority we are here assembled, and responsible to the authorities of the United States Government, military as well as civil.

But there is something still further, in this Act, which declares not only that we are to establish a constitution, establish a civil government, but that we shall establish a constitution and civil government, for the State of Arkansas, "LOYAL TO THE UNION." And that is where the rub is—that is where the friction comes in—that is where the nerves become irritated, and gentlemen occasionally get alarmed.

I do not suppose, Mr. President, that there is anything very dreadful in the substitute. I do not suppose that any very serious results will accrue to the people of the State of Arkansas, or to the members of this Convention, if we should, when we adjourn, adjourn to meet at the call of the President, for the purpose of considering the situation of the country, in case any exigency requiring such action should arise, and to ascertain, what if anything, further, it may be lawful and Constitutional to perform, on behalf of the people with whose interests we are charged. I see nothing terrific there, nothing, with the precedents before us, to alarm any of us, except there be some sensitiveness on the points I have indicated. I can readily understand, if such sensitiveness does exist, whence comes all this stir. Otherwise, I can see no occasion for it; on the contrary, I see a plain, sraightforward, business proposition, to perpetuate the lawful and Constitutional existence of a lawful and Constitutional Convention of the State, "for the purpose of establishing a Constitution and civil government," "loyal to the Union."

Mr. CYPERT. Will the gentleman allow me to reply at this particular moment? I do not wish to speak out of order.

The PRESIDENT. If the gentleman desires to make a speech, the proper course will be to inquire if all other gentlemen who desire to speak have spoken.

Mr. CYPERT. If the Convention will give me leave, I desire to speak at this particular moment.

The PRESIDENT. Are there any other gentlemen who desire to speak?

Mr. HODGES, of Pulaski, obtained the floor.

Mr. DUVALL. I wish to make a few remarks—I do not desire to make a speech.——

The PRESIDENT. The gentleman from Pulaski [Mr. HODGES] has the floor.

Mr. HODGES, of Pulaski. Here is a little despatch, which I wish to read from the Proceedings of the Convention of 1861.

"[BY TELEGRAPH FROM PINE BLUFF.]

"May 9th, 1861.

"To GOVERNOR H. M. RECTOR:

"Steamboat Arago is owned, by her papers, in Pittsburg, Pennsylvania, and has one hundred tons provisions belonging to owners. Shall we confiscate her here? Plenty of good Southern steamboatmen here to take her where you want her, free of charge.

"Capt. JNO. M. BRADLEY."

Mr. BRADLEY. I sent the dispatch.

Mr. HODGES. That is all.

Mr. BRADLEY. This is a personal matter; and, in justice to myself, I wish the gentleman would turn back a few pages, where he will find that Brigadier General Thomas James [The Reporter did not hear clearly this name] announced that he had arrested the steamer; and he will perceive that I was simply a Captain, acting under the instructions of that officer. He had ordered me to go aboard; and under his orders I examined the schedules and clearance papers, and despatched, as I was told to do. I am a great hand to obey orders. I am now obeying orders. My whole course here has been in obedience to orders. I obeyed orders when I sent that despatch. And in my opinion, Governor Rector, and the Convention, acted very foolishly. For though the steamer was released on the promise of travelling in the South, the moment she was released she went straight to the North. If they had taken my advice, they would have been a steamboat better off.

Mr. HODGES, of Pulaski. Yes, sir; one more steamer would have been taken from the North!

Mr. DUVALL. I rise for the purpose of entering my protest against the waste of time and money, going on in this body. I understand, from the Law, that this Convention was called together to frame a Constitution. If that is the business, I would like gentlemen to come to their right senses, and come to the work. We are not here for the purpose of turning back and seeing what men have been doing heretofore. Could our constituents of Arkansas be assembled here to-day, look upon this body, and hear what is said and done, they certainly would be disgusted. Here we have motion after motion, to do one thing and to do another, to no purpose. It is accomplishing no good, it will effect none; and I ask the gentlemen of this Convention to come to their senses and go to work in good earnest. If that is what you have assembled for,—to frame a Constitution,—do it!

As regards adjourning the Convention subject to a call of the President, I do not understand that to be compatible with the Reconstruction Laws. Those laws have made provision for the call of a Convention to frame a Constitution. That Constitution is to be submitted to the people for their ratification. If rejected, I understand that we are to remain a provisional government. Section 6 of the Reconstruction Act declares:

> "*And be it further enacted,* That until the people of said Rebel States shall be by law admitted to representation in the Congress of the United States, any civil government which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States."

Are we to resolve ourselves into a body holding the supreme power of the State, and adjourning from time to time, subject only to the call of the Convention? I appeal to you in good earnest, as an honest man,—come squarely up to the work, let us accomplish it, and let us go home and submit that work to the people.

If in order, I wish to say another word; and that is, in reference to the word "loyal." I hear it from almost every member that rises upon the floor. I claim to be loyal, though I differ from other gentlemen in regard to the powers which they attribute to Congress.

Mr. BROOKS. I would be glad of an opportunity of explanation. I was last on the floor; and that term "loyal" was handed about, somewhat. I wish to make this explanation. The connection in which the term was employed, was this: that the members of the Convention here assembled are the representatives elected by the loyal people of Arkansas. Now, if there are gentlemen elected by the disloyal people, I confess I should have some misgivings about the propriety of their remaining. But I spoke of the delegates here, all, as being elected by the loyal citizens of the State of Arkansas.

Mr. DUVALL. I claim to be one of those delegates elected by loyal citizens. I do not attribute any disrespect, in the remarks of the gentleman from Phillips [Mr. BROOKS.] But I am commonly met, outside this hall and in the hall, with reproaches and insinuations of being disloyal. I wish to place myself right upon this subject. I take the position that there are three branches of this government,—legislative, judicial, and executive. The legislative body enacts the laws. There is, in the

Judicial Department of the Government, a Supreme Court; and those laws, as regards their Constitutionality, and consequent validity, are subject to the decisions of the Supreme Court. I hold that there is no legal gentleman, honest enough to come up to the point, who will for one moment contend that these Reconstruction Acts are Constitutional, or that, not being Constitutional, they are valid. It is admitted, by the knowing portion of the party in power, that these Acts are not Constitutional. Thad. Stevens himself says they are not. When I approach the more honest members of that party, and talk to them on the question, they admit, to me, that they do not contend for the Constitutionality of those laws; but that circumstances have rendered it necessary for Congress to step a little outside the limits of the Constitution. I will take the same ground which the honorable gentlemen from Phillips took, here, with reference to the resolution respecting the intermingling of the two races. He took, and very correctly, the ground that it is very dangerous for any legislative body to go outside the powers with which they are invested. I take the same position; that it is always dangerous; and I hold that it is especially dangerous for the Congress of the United States to transcend its powers. It has done so; it has gone out outside of its authority, one step after another, until, at length, it has arrived at the capping climax of the whole, and has undertaken to put the Supreme Court under its foot. If these things are to be suffered, I ask you where is our Government? Its very foundations are swept away; and it will go, as governments have gone before.

One word more, while I am on my feet. We hear much talk of prejudice against the negro. I am not prejudiced against the negro. I am willing that he shall have all the rights that belong to him, as an individual under the protection of the law. I differ from you in regard to the elective franchise. There is not a negro in my County that is an enemy to me—not one. They know where I have stood all the time. I really do not believe that the extension of the elective franchise to the colored race will redound to their benefit.

But I leave that question. I again appeal to you to go to your work, faithfully, to finish it in the shortest time, submit it to the people, and go home, that we may lessen the expenses cast upon them. They are heavily taxed and hard pressed.

If in order, I would move to reconsider the vote by which the Convention refused to lay the substitute upon the table; and this with a view to get rid of the whole matter, and come back to the work we have to do.

Mr. ROUNSAVILLE moved that the Convention take a recess until two o'clock, P.M.

The question was taken; and the motion was not agreed to.

Mr. MATTHEWS moved that the Convention adjourn.

The question was taken; and the motion was not agreed to.

Mr. REYNOLDS moved to lay upon the table the whole subject pending.

Mr. HODGES, of Pulaski, asked for the yeas and nays.

The yeas and nays were ordered.

Mr. CYPERT. I ask for information. I understand that this motion to lay upon the table cuts off debate. I wish to know if it is the desire of the Convention to allow the personal allusions to the position which I personally occupy, to pass without a reply.

Mr. HODGES, of Pulaski. We propose, on this side of the house, to vote against the motion. It was upon the gentleman's side of the house, that the motion to lay upon the table was made.

Mr. CYPERT. If lost, I shall of course reply to the allusions which have been made.

The question was taken; and it was decided in the negative,—Yeas 16, Nays 46, as follows:

YEAS: Messrs. Beasley, Corbell, Duvall, Gantt, Hicks, Kyle, Matthews, Moore, Owen, Puntney, Reynolds, Shoppach, Van Hook, Walker, Wilson, and Wright—16.

NAYS: Messrs. Belden, Bell, Bradley, Brashear, Brooks, Coates, Cypert, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hinds, Hinkle, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Portis, Priddy, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, White, Williams, Wyatt, and the President—46.

So the Convention refused to lay the subject upon the table.

Pending the call of the roll:

Mr. DUVALL (when his name was called) asked to be excused from voting.

Objection being made,

Mr. DUVALL said: I vote Aye. I want to get rid of this whole matter.

Before the vote was announced,

Mr. ROUNSAVILLE said: I voted No; not that I was opposed to the proposition to lay on the table, but that the gentleman from White [Mr. CYPERT] might have an opportunity to discuss the subject.

The vote was then announced as above.

Mr. CYPERT. It is not my purpose to detain the Convention in this discussion. I did not introduce the motion to adjourn, with any view of bringing up such a discussion as followed. If the gentlemen in the majority had voted directly upon the question, they could, had they so chosen, have voted the proposition directly down. My object in introducing it was, to precipitate work, and in some way secure our going to work. We have been here four weeks, and have done, we may say, nothing. My object was, to precipitate work. It is the substitutes and amendments which have brought forth discussion. They have caused all the delay. I introduced none of the substitutes or amendments, upon what I conceive to be the preposterous questions which have been introduced before the Convention.

But to come at once to the question as presented to myself. I asked what gentlemen meant by "loyalty," and did so with the *bona fide* purpose of ascertaining what they meant. I was answered in an evasive way. But now I understand, from the argument of the gentleman [Mr. BROOKS], what these gentlemen mean by "loyalty." When they desire to find a precedent for what they propose, where do they go to seek it? Do they seek a precedent in the actions of any loyal people, of those who desire to perpetuate our form of government, to preserve the Constitution and the Union? Do they seek a precedent, I ask, for their course, in any body that was for the perpetuation of the Union, or the enforcement of the laws, or the Constitution of the United States? Not one!

Mr. BROOKS. I would ask to be allowed an explanation. I think I quoted a precedent from the Convention of Louisiana, which, it was supposed, in this part of the country,—I mean, in my part of the country,—was designed to assist in the perpetuation of the Union. I quoted the precedent of the action of the Missouri Convention in the hands and under the auspices of Union men, headed by Governor Gamble,—which, we in Missouri understood, was laboring,—and which did labor,—for the perpetuation of the Union, and for the vindication of the flag. I concede, of course, that we did quote the gentleman's precedent of 1861, merely for the sake of more ample illustration.

Mr. CYPERT. I will come to that instance. Sir, the gentleman is unfortunate in the selection of his precedent from the proceedings of the "loyal" body in Louisiana. To-day, there is another Convention there, similar to this, seeking to undo what that "loyal" Convention did. Is the gentleman more fortunate in that precedent? I say, he seeks precedents only among those who wished to set aside the Constitution of the United States, those who wished to destroy the Government of our fathers, those who wished to inaugurate a new system of government. I admit that the precedent taken from Louisiana might do very well, were it not that we have there a Convention, to-day, of the same order as this, seeking to destroy the work of that very body.

I contended, I still contend, that the history of the country bears me out in the assertion that the Radical Party is but the counterpart of Secession. They have fought against reconstruction upon anything like an equal basis with that of the government of other States, ever since the rebels laid down their arms. I repeat, they are but the counterpart of Secession. I have heard disloyal sentiments spoken, in the City of Little Rock, from both sides, the two extremes. They have laid hold of the garments of the Government at each end, and are trying to tear it in two; and, unfortunately, they have torn so great a rent in that garment, that ten States are yet unsheltered, and "left out in the cold." I say that if there is any disloyalty, it is in that party which openly professes to be travelling outside the Constitution of the United States. What is loyalty? It is obedience to the laws of the country. The paramount law is, the Constitution of the United States. The acts of any legislative body, not in consonance with the Constitution, are not laws. There is the difference between an *act* and a *law*. Acts not in conformity with the Constitution, are mere acts of Congress, or of the Legislature; but they fail to become laws. I say, then, obedience to the Constitution of the United States, obedience to the laws passed in accordance therewith, is the only test of loyalty known to American citizens.

Mr. BROOKS. Will the gentleman allow me a question?

Mr. CYPERT. Yes, sir.

Mr. BROOKS. It is this: on his theory of the unconstitutionality, and consequent nullity, of the Acts of Congress called the Reconstruction Acts, by what process of logic and philosophy does he propose to hold us, here, in our actions, to strict conformity with these unconstitutional and unlawful Acts of Congress—he quoting them as authority?

Mr. CYPERT. The gentleman will bear me out in saying, that I have not tried to hold this body to anything in particular.—We have tried to prevent the passage of preposterous measures; but I have not endeavored to hold the Convention to any particular course of conduct.

Mr. BROOKS. The gentleman has been continually reading from those Acts, which he holds unconstitutional and void.

Mr. CYPERT. I have read those Acts for the purpose of showing their unconstitutionality.

But I now come to this point. The gentleman referred to my antecedents. Sir, in 1861 I stood in this hall and appealed, as warmly as I do to these gentlemen, against the violation of the Constitution of the United States. I did it, sir. I was in the majority of the first Convention; and we voted down the proposition to violate the Constitution of the United States. When the second Convention met, what was the state of the country? War had commenced: and I assert to-day, as I have always asserted,—and every man in my neighborhood knows it to be true,—that I denied the *right* of secession, that I *protested against* the war, that I told them it would devastate the country, that we were ruined if we passed the Ordinance of Secession. But what was left me? I again declare,—and I believe the venerable Executive of the State will bear me out in so saying,—that I denied the right of secession: but we were all compelled to go one way or the other, and if we voted against secession at that time, we would be divided among ourselves. We had to float with the current as it went, till we could hang to the willows.

I have ever acted upon that principle. I have always denied that a State could withdraw from the Union, or that the Union could expel a State. I have always denied that Secession was anything but rebellion. Where do I find my Radical friends? I find them cheek by jowl with whom? A gentleman who, in this State, took the initiatory in secession. A man who boasts that he drafted the Ordinance of Secession, is now quoted, and patted upon the back, by the leading members of this Convention.

A MEMBER [*in his seat.*] He has repented.

Mr. HODGES, of Pulaski. Will the gentleman state the name? I have heard of nothing of the kind.

Mr. CYPERT. He is not a member of this Convention. [A few words of the speaker were here inaudible to the Reporter.] It is known that that man stood in this hall, while calling upon the State to secede, and asserted that he would be the man that would take the torch and put it to the City of New York, and burn that city to ashes, over its inhabitants. [*Turning to Mr.* BROOKS.] That is your "loyalty," is it?

Mr. BROOKS. I know nothing about that gentleman. I have never been associated with the burners of cities, and the poisoners of waters, and the diffusers of disease, and of death in that style, in any way whatever. That is not my breed of loyalty, at all. They didn't have any loyalty of that kind, where I come from.

Mr. CYPERT. The gentleman is not engaged, I admit, in the poisoning of springs. But there is a worse species of poisoning; and I charge the gentleman with that. It is, poisoning the ignorant; it is, attempting to induce the ignorant to deeds to which the poisoning of springs would hardly be equal.

Mr. BROOKS. I demand a specification.

Mr. CYPERT. I will give it.

Mr. BROOKS. That I instigate parties in this State to deeds compared with which the poisoning of springs and burning of cities is virtuous.—I ask a specification.

Mr. CYPERT. I correct myself, as far as the language could have the construction which the gentleman seems to put upon it. I do not attribute to him the intentional effect of his poison; but the deeds to which I referred are the legitimate result of the doctrine propagated by the gentleman. I contend that the legitimate result of the Radical doctrine is, to bring about a war between the races, which will inevitably produce the destruction of our country. That is my explanation.

Mr. BROOKS. That is,—if the gentleman will allow me (well, the gentleman drinks—I should think a man would get thirsty over the like of that)—that is, the equality of all men before the law, without respect to race, color, or previous condition, and the advocacy of that doctrine, is worse than the poisoning of springs or the burning of cities.

Mr. CYPERT. I did not understand that to be the legitimate conclusion to be drawn from my language.

Mr. BROOKS. That is the issue.

Mr. CYPERT. I know that is what the gentleman claims. He talks about the equality of the races; but he straightway declares that I shall not, nor shall any man who has ever held an office in the State of Arkansas—for it amounts, practically, to about that,—ever hold office in the State, under the new Government; and he proposes to deny the right of suffrage to I know not how large or numerous classes of the inhabitants of the State. Is that "equality before the law?" God save me from the "equality!"

Mr. BROOKS. Permit me to continue this running fire. That is to say, sir,—and I wish to be corrected if I am wrong,—that because we hold and advocate the doctrine of equality before the law, for all men,—equality of civil rights, regardless of race, color, or previous condition,—therefore, for us, in the case of men who, for the sake of opposing the United States Government, the Union of these States, and the honor of the flag of the country, perjured themselves, to attach any disability to such perjury and such treason, is in defiance of the equality of rights before the law.

Mr. KYLE. I rise to a point of order. We have under consideration a certain substitute. I do not understand that in debating the question arising under that substitute, a discussion of the doctrine of secession, and all this kind of slang-whang, that we have gone over in the last six years, amounts to anything at all. If we are to be kept here, from day to day, to engage in this idle controversy, we had better adjourn, and go home at once. A while ago, I wanted to have something to say upon this substitute before the Convention; but was ruled out on the point of order that my remarks were not relevant to the question, and took my seat. I do hope that this course of debate will come to an end—that it will be *put* to an end. If gentlemen have anything to say upon the question of the substitute, let them argue that, and not go over the whole ground of secession, that every man, woman, and child, in the country, has talked of for the last six years, and that everybody is tired of. Let us confine our attention, now, to seeing a better state of things inaugurated.

The PRESIDENT. The point of order raised against the gentleman from Dallas [Mr. KYLE] was, that the question before the Convention was upon a motion to refer, which was not debatable. The Chair believes, however, that the present point of order is well taken, if we should apply a strict rule; but as considerable latitude has been given, the gentleman will proceed with his remarks.

Mr. PORTIS. I move that we now adjourn.

Mr. BROOKS. I hope not, if the gentleman [Mr. CYPERT] has not finished.

Mr. CYPERT. I believe I have nearly finished. I should have finished, if the gentleman [Mr. BROOKS] had not pumped a speech into me, from the other side of the house.

Mr. PORTIS. I withdraw the motion to adjourn.

Mr. CYPERT. The gentleman [Mr. BROOKS] talks of "equality before the law." The gentleman assumes that equality before the law means the protection of the law, and so forth. I have always advocated that. I think the gentleman and I have got together. But he does not practice what he preaches. By his practice he proposes not to permit certain persons equality with the rest of the community, before the law; for he assumes that they have been guilty of crime. No court of the country has ever convicted these persons. I might assume that the gentleman had committed a crime. But my assumption of the fact does not make it so. If I were to assume that he was guilty of a violation of the law of felony, for instance, and should upon that assumption come here and vote for his disfranchisement, individually, I would be travelling outside the Constitution to which I am loyal. But the gentleman's loyalty is such as will not allow me to be loyal where he is loyal. He is loyal to a certain party, to a certain system of politics, that blinds him to every principle of the Constitution of the United States, and every principle of a free and republican form of government. I maintain that this substitute is nothing more than a stroke at the very foundation of a republican government. It proposes to perpetuate this body, at the call of an individual officer, as a junto to make laws and rule the State of Arkansas. I admit that the gentleman has a precedent for that. We have, in the United States, a body that is styled Congress, which seeks to place itself in a similar attitude. It seeks to destroy the Executive Department of the Government; it seeks to destroy the Judiciary of the Government, and to render itself the perpetual and sole power of the Government of the United States. The gentleman is loyal only to a particular class of politicians. He is loyal to Congress only. He does not profess that he will obey the supreme law of the land; he denies that the Supreme Court had any right to decide that a negro was not a citizen of the United States, and he characterizes the Chief Justice of the United States as the Jeffries of America.

Mr. BROOKS. I beg the gentleman's pardon; I never made any such remarks, on this floor or anywhere else on the earth.

Mr. CYPERT. The remark came from that side of the house, the other day. I may be mistaken in attributing it to the gentleman.

A MEMBER [*in his seat.*] It was made by his colleague.

Mr. CYPERT. I am told that it came from the gentleman's colleague.

The PRESIDENT. These remarks are not to the point before the Convention.

Mr. CYPERT. As I have been ridden, I would like to ride a while.

Mr. SMITH. I would like the gentleman to specify which colleague.

Mr. CYPERT. I exonerate Mr. SMITH.

A MEMBER [*in his seat.*] It was GREY.

Mr. BROOKS. My colleague is modest: and I will say that the Chief Justice referred to was not Chief Justice Chase.

Mr. CYPERT. No, sir.

Mr. GREY, of Phillips. I made a remark of that kind; and I have the evidence upon which I made it, and when you get through I will give it you.

Mr. CYPERT. That decision is the law of the land; and it so remains until it is reversed. It has never been reversed by the Supreme Court; but it has been attempted, by Congress, to reverse it; and to Congress it is that the gentleman [Mr. BROOKS] is loyal, not to the Constitution, or to the Government. I contend that I am a more loyal man than he is; for I am loyal to the Constitution, loyal to my country, and disloyal to all particular cliques and parties. I hold myself, as a politician, independent in all things, and neutral in nothing; I assume to judge for myself, of my course. What I see good in a party, I accept; what I see bad in a party, I reject. And when I see a party organized for the purpose of subverting the Constitution of the United States, perpetuating anarchy, and out of anarchy producing despotism, I confess I cannot go with it—I confess I cannot be loyal to such a party.

I return to the point from which I set out. I am sorry to find that gentlemen are allying themselves with those who were the originators and perpetrators of secession. I am sorry they endorse them. I am sorry that they go to them for precedents; though I deny that the action of the Convention of '61 formed a precedent for the course here proposed. I stated, before, that in that case there was a limit—they adjourned to a particular day; and I say that in this case there is no limit. This irresponsible body—responsible to nobody but the military—inaugurates a perpetual rule of its own, and, supported by the military arm of the General Government, usurps the supreme power of the State. It makes you, sir, a dictator over everything, for a little while. It places an awful responsibility solely upon you. If this Convention is going to permit you, sir, to call it together, at any time, at your own discretion, to act as the supreme power of this State, it is an awful responsibility, and I am sure you would not assume it. I was sorry to see the President's name in the affirmative, in the vote upon the amendment. It seemed to me he was seeking such a power; and I am sorry to see that there is a gentleman here who seeks so supreme a power in the republic. If there is any man in Arkansas who seeks a position of that kind, he is disloyal to a republican form of government, and is not a loyal man. For I still contend that we have the germ left, of the old republican form of government.

I have defined loyalty and disloyalty, as loyalty and disloyalty to the Constitution of the United States. I have defined my position. If gentlemen do not endorse that position, they surely are disloyal.

Mr. BEASLEY. The amount of time which we allot ourselves is not sufficient to admit of all the speaking that it seems must necessarily take place. I therefore move that we take a recess until two, or half-past two, o'clock, and then meet again, so that we may be able to transact some business.

The PRESIDENT. The Chair will state that the debate upon this question is closed. The question will be (either now or when the Convention shall reassemble after the recess, according to what may be the action of the Convention on the motion for a recess) upon the adoption of the substitute.

Mr. KYLE. I hope the vote will be taken now.

Mr. BEASLEY. I urge a recess. We are not prepared to vote now.

Mr. McCLURE. Would an amendment to the motion to take a recess, be in order?

The PRESIDENT. An amendment changing the hour to which the recess shall be taken, would be in order.

Mr. McCLURE. I would desire that the members of the committees should be excused from attendance.

Mr. HODGES, of Pulaski. There are decided objections to meeting in the afternoon.

The PRESIDENT. The Chair presumes there would be serious objections to excusing the committees, as we should hardly have a quorum.

Mr. BEASLEY withdrew the motion for a recess.

Mr. HODGES, of Pulaski. I wish to make an explanation. It has been stated that no limit is fixed by this substitute. I read from the substitute, to show that there is a limit.

"*Resolved:* That when the Convention finally adjourns, it shall be at the call of the President, whose duty it shall be to convoke the Convention *in case the Constitution should not be ratified*, for the purpose of taking such steps as may be necessary," etc.

Mr. GREY, of Phillips. I do not wish to take the time of the Convention; but I would ask leave simply to read a few extracts, to show why I made the remark which has been referred to.

The PRESIDENT. The gentleman can make any explanation; but, the debate having, under the rules, been closed, it is out of order to debate the question before the Convention.

Mr. CYPERT [*in his seat.*] Out of order. [Cries of "Leave."]

The PRESIDENT. It was distinctly understood that the gentleman [Mr. GREY] confines himself to an explanation.

Mr. GREY, of Phillips. I wish to read on but one point. I quote from the decision of Chief Justice Taney, in the Dred Scott case:

"It is difficult at this day to realize the state of public opinion in relation to that unfortunate race, which prevailed in the civilized and enlightened portions of the world at the time of the Declaration of Independence, and when the Constitution of the United States was framed and adopted. But the public history of every European nation displays it, in a manner too plain to be mistaken.

"They had, for more than a century before, been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior that *they had no rights the white man was bound to respect.*"

Now, sir, in connection with that, I read from an opinion delivered in the same case, by Justice Curtis; and I submit that both gentlemen were intelligent, both wise, both should have understood the history of their country.

"To determine whether any free persons, descended from Africans held in slavery, were citizens of the United States under the Confederation, and consequently at the time of the adoption of the Constitution of the United States, it is only necessary to know whether such persons were citizens of either of the States under the Confederation, at the time of the adoption of the Constitution.

"Of this, there can be no doubt. At the time of the ratification of the Articles of Confederation, all free native-born inhabitants of the States of New Hampshire, Massachusetts, New York, New Jersey, and North Carolina, though descended from African slaves, were not only citizens of those States, but such of them as had the other necessary qualifications possessed the franchise of electors, on equal terms with other citizens."

It will be remembered that in the decision of Judge Taney he denied the Constitutionality of the Act of Congress, the power and authority of Congress over the Territories. A gentleman then sitting upon the bench, Justice Catron, who was disposed to agree with the Chief Justice, as far as his decision went regarding the case before the court, was forced to enter his protest against the idea that negroes were not citizens of the United States, and, therefore, could be prohibited by Congress from entering the Territories of the United States. Justice Catron says:

"It is due to myself to say, that it is asking much of a judge, who has for nearly twenty years been exercising jurisdiction from the western Missouri line to the Rocky Mountains, and, on this understanding of the Constitution, inflicting the extreme penalty of death for crimes committed where the direct legislation of Congress was the only rule, to agree that he had all the while been acting in mistake, and as an usurper."

And he might have added, that that decision made a Judge of the Supreme Court of the United States an illegal homicide, a murderer.

The question was taken upon the adoption of the substitute; and it was decided in the affirmative, Yeas 41, Nays 18, as follows:

YEAS: Messrs. Belden, Bell, Brashear, Coates, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hinds, Hinkle, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Priddy, Rawlings, Rector, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, White, Williams, Wyatt, and the President—41.

NAYS: Messrs. Beasley, Bradley, Duvall, Hicks, Hoge, Kyle, Matthews, Moore, Norman, Oliver, Portis, Puntney, Reynolds, Shoppach, Van Hook, Walker, Wilson, and Wright—18.

So the substitute was adopted.

Pending the call of the roll:

Mr. KYLE (when his name was called) said: I vote No, upon this question. I wish to state, however, that, when the proper time shall come, if I shall think there is any exigency that may require the reassembling of the Convention, I shall feel that I have the privilege of voting in favor of such action.

Mr. BROOKS. I would desire to know whether the honorable gentleman from Dallas desires that explanation recorded with the vote.

Mr. KYLE. No; I want my vote understood, however.

The vote was then announced, as above.

Mr. BROOKS. I move to reconsider the vote, and to lay the motion to reconsider, upon the table.

Mr. HINKLE. I move that we adjourn.

Mr. BROOKS. I submit that a motion to adjourn is not in order when a motion is pending.

Mr. HODGES. I move a call of the house.

The PRESIDENT. The Sergeant at Arms will secure the doors, and see that no member passes out.

Mr. REYNOLDS [*in his seat.*] The call of the house has not been ordered, yet.

The PRESIDENT. The roll will be called.

The SECRETARY commenced the call of the roll. When two names had been called:

Mr. BEASLEY, rising by consent, said: I think we had better adjourn. I cannot vote for a measure that I think is wrong; and I will not do it.

The PRESIDENT. Gentlemen in favor of the motion will say Aye.—

Mr. HINKLE. I withdraw my motion to adjourn.

Mr. REYNOLDS. I renew the motion.

The PRESIDENT. The Chair is stating the question before the Convention. The question is on the motion of the gentleman from Phillips [Mr. BROOKS.]

Mr. REYNOLDS. Does the Chair decide that the motion to adjourn is not in order?

The PRESIDENT. The roll is being called: during the calling of the roll, no motion can be entertained.

Mr. REYNOLDS. I rise to a point of order. A motion to adjourn is in order at any time. If the decision of the Chair is otherwise, I appeal from the decision.

The PRESIDENT. The gentleman is correct in his position. The question before the Convention will be upon the motion to adjourn.

Mr. REYNOLDS. Upon that motion, I call for the yeas and nays.

Mr. McCLURE. I rise to a point of order: that during the call of the house a motion to adjourn is not in order.

The PRESIDENT. The point is not well taken.

The yeas and nays are called for. Let the call of the roll proceed.

The SECRETARY proceeded to call the roll on the motion to adjourn; and the question was decided in the negative,—Yeas 20, Nays 41, as follows:

YEAS: Messrs. Beasley, Bradley, Corbell, Cypert, Hicks, Hoge, Houghton, Matthews, Moore, Norman, Owen, Portis, Puntney, Rawlings, Reynolds, Shoppach, Van Hook, Walker, Wilson, and Wright—20.

NAYS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hinds, Hinkle, Hodges of Pulaski, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Priddy, Rector, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, White, Williams, Wyatt, and the President—41.

So the Convention refused to adjourn.

Mr. HODGES, of Pulaski, withdrew his motion for a call of the house.

Mr. CYPERT. I move that the Convention take a recess until three o'clock this afternoon; and on that motion I ask for the yeas and nays.

Mr. BROOKS. I wish to say, that we can go hungry just as long as any men in this market.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative,—Yeas 15, Nays 46, as follows:

YEAS: Messrs. Beasley, Bradley, Corbell, Cypert, Hoge, Matthews, Moore, Norman, Owen, Puntney, Reynolds, Shoppach, Walker, Wilson, and Wright—15.

NAYS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Portis, Priddy, Rawlings, Rector, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, Van Hook, White, Williams, Wyatt, and the President—46.

So the Convention refused to take a recess till three o'clock, P.M.

Mr. HODGES, of Pulaski, moved that further proceedings under the call of the house be dispensed with.

The question was taken; and the motion was agreed to.

Mr. MOORE. I move that the Convention take a recess till seven o'clock; and on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative,—Yeas 11, Nays 50, as follows:

YEAS: Messrs. Bradley, Corbell, Cypert, Hoge, Matthews, Moore, Norman, Owen, Reynolds, Shoppach, and Walker—11.

NAYS: Messrs. Beasley, Belden, Bell, Brashear, Brooks, Coates, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Portis, Priddy, Puntney, Rawlings, Rector, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, Van Hook, Wilson, White, Williams, Wright, Wyatt, and the President—50.

So the Convention refused to take a recess to seven o'clock.

Mr. HODGES, of Pulaski, moved the previous question.

Mr. REYNOLDS moved that the Convention adjourn to ten o'clock of the next morning.

Mr. SARBER moved that the motion to adjourn lie upon the table.

The PRESIDENT. It is a question, with the Chair, whether a call for the previous question does not cut off the right to move an adjournment.

Mr. REYNOLDS. If the Chair overrules the former decision of the Chair, I appeal from the decision. Upon the question of appeal, I ask the yeas and nays.

The PRESIDENT. The Chair places the decision principally upon the ground that there seems to be some captiousness displayed by some gentlemen, in the matter; and there seems to be some levity.

Mr. CYPERT. I will state, in answer to the remarks of the Chair, that ten o'clock is the usual hour of adjournment; and, however captious——

The PRESIDENT. The yeas and nays will be called. The question is,—Shall the decision of the Chair be sustained?

The question was taken, and it was decided in the affirmative,—Yeas 47, Nays 12, as follows:

YEAS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Portis, Priddy, Puntney, Rawlings, Rector, Samuels, Sams, Sarber, Scott, Sims, Smith, Snyder, Van Hook, Wilson, White, Williams, and Wyatt—47.

NAYS: Messrs. Beasley, Bradley, Corbell, Cypert, Hoge, Moore, Norman, Owen, Reynolds, Shoppach, Walker, and Wright—12.

So the decision of the Chair was sustained.

Pending the call of the roll:

Mr. BROOKS said: I understand the decision of the Chair to be upon this case: the previous question having been moved and seconded, and being put to the Convention, a member rises, during the putting of the question, and offers a motion to adjourn.

The PRESIDENT. That is the state of the question.

Mr. BROOKS. I hold that an honorable member must secure the floor in a regular way, before he can make a motion to adjourn.

The PRESIDENT. Let the call of the roll proceed.

Mr. CYPERT. When the President allows of one explanation——

The PRESIDENT. The gentleman's remarks are out of order.

Mr. HICKS (when his name was called) said: I do not care how quickly the Convention puts itself on record on this question——

The PRESIDENT. The gentleman will come to order.

Mr. MATTHEWS (when his name was called) said: I ask to be excused from voting. I have not a copy of the Rules, to which to refer.

No objection being made,

Mr. MATTHEWS was excused from voting.*

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* The Reporter understood objection to be made, and Mr. MATTHEWS thereupon to vote No. The record of the vote is, as in all cases, taken from the Journal.

Mr. SARBER. As I am equally desirous with the gentleman from Prairie [Mr. HICKS] of putting myself upon the record, I vote Aye.

The vote was then announced, as above.

The question was then taken,—Shall the main question be now put; and the Convention ordered the main question to be put.

The question recurring upon the motion to reconsider the vote by which the Convention adopted the substitute offered by Mr. HODGES, of Pulaski, and to lay upon the table the motion to reconsider, and

The PRESIDENT announcing the question,

Mr. MATTHEWS asked: Is a motion to amend in order?

The PRESIDENT. Not while the vote is being taken.

Mr. MOORE. I wish to ask, what is the object of this motion? Is it to rivet the matter, and preclude us from considering it on another day?

Mr. BROOKS. I will very cheerfully answer the gentleman's question.

The PRESIDENT. The Chair will not submit to these interruptions any longer. The Chair desires it to be distinctly understood that when the Chair is putting the question, he wishes gentlemen to keep their seats.

The question was then taken; and the motion was agreed to.

Mr. HODGES, of Pulaski, moved that the Convention adjourn to ten o'clock, A. M., of the morrow.

The question was taken; and the motion was agreed to;

And thereupon, at 1, P.M., the Convention adjourned to 10, A.M., of Friday, January 31st.

TWENTIETH DAY.

FRIDAY, *January* 31*st*, 1868.

Convention met at 10, A.M.

Prayer was offered by the Chaplain.

The roll was called; and the following members answered to their names:

Messrs. Beasley, Belden, Bell, Bradley, Brashear, Brooks, Coates, Corbell, Cypert, Dale, Duvall, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hollis, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Matthews, Merrick, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Moore, Norman, Oliver, Owen, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Reynolds, Rounsaville, Sams, Samuels, Sarber, Scott, Shoppach, Smith, Snyder, Sims, Van Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President.

ABSENT BY LEAVE: Mr. Hodges of Crittenden.

A quorum of the members of the Convention having answered to their names:

FINAL ADJOURNMENT—AGAIN.

The Journal of the preceding day was read.

Mr. HODGES, of Pulaski. I suppose there could be no objection to the insertion of the word "finally," in the Journal, in the substitute offered by myself, on yesterday. If there is no objection, I would like to have the resolution so altered.

Mr. HICKS. I object.

Mr. BROOKS. I suppose it is a mere clerical error, which, in the proceedings of any deliberative body, may be corrected. I think that is well established.

Mr. CYPERT. I think it is clearly understood, as a general thing, what was meant. I clearly understood it; and I suppose gentlemen all did. I am willing that the amendment should be made; and suppose the point is raised only for a little amusement.

Mr. HICKS said that the gentleman from Phillips [Mr. BROOKS] had moved a reconsideration of the vote by which the resolution was adopted, and, in the same breath, moved to lay upon the table the motion to reconsider. This was done for the express purpose of clinching the matter, and putting it out of the power of the Convention, to modify its action. He had so voted, with the majority; and he did not suppose himself any more astute than any other gentleman. Let the Convention abide by its action.

The PRESIDENT. The Convention seems to understand the matter. The members are all here this morning.

Mr. HICKS. I do not object to correcting the minutes; but I object to the correction of a resolution passed by the Convention—to a change of phraseology, after the resolution becomes the law.

The PRESIDENT. The Chair understands the gentleman to object. The question will be, whether the Convention will allow the correction of the minutes.

Mr. McCLURE. If there was a clerical error, it can be easily corrected. I agree with the gentleman from Prairie [Mr. HICKS], that if the word was left out intentionally, or otherwise than by evident inadvertence, the alteration cannot be made.

But the simple subsequent action of the Convention, in adjourning to ten o'clock this morning, is all that is necessary; and if from this time on, the Convention shall adjourn to a specific hour, there is no correction of the Journal necessary. When the Convention adjourns subject to the call of the President, it will say nothing about the time. It adjourns to ten o'clock; and when we do not adjourn to ten o'clock, we adjourn subject to the call of the President.

The question was taken; and, upon division, the motion was agreed to.

So the Convention allowed the minutes to be so corrected that the (substitute) resolution, adopted by the Convention, read as follows:

Resolved: That when the Convention finally adjourns it shall be at the call of the President, whose duty it shall be to convoke the Convention in case the Constitution shall not be ratified, for the purpose of taking such steps as may be necessary, for the formation of civil government for the State of Arkansas. He shall also, in that case, call upon the proper officer of the State to cause elections to be held, to fill any vacancies that may exist in the Convention.

REBUILDING OF LEVEES—AGAIN.

No petitions being presented, and

Reports of Standing Committees being in order:

Mr. HINDS, from the Committee on Memorials and Ordinances, reported the following

MEMORIAL TO CONGRESS, FOR THE REBUILDING OF LEVEES ON THE MISSISSIPPI AND ARKANSAS RIVERS.

To the Honorable the Senate and House of Representatives in Congress assembled:

Your memorialists, the Constitutional Convention of the State of Arkansas, respectfully represent that the Mississippi and Arkansas Rivers, during the season, inundate the lands along their course, rendering a vast extent of country almost entirely useless and valueless for purposes of agriculture, but which, otherwise, would be as productive as any lands in the world.

That by the appropriation and proper outlay of three million nine hundred thousand dollars, the levees along the Mississippi and Arkansas Rivers, in the States of Arkansas, Mississippi, and Louisiana, could be rebuilt; thus effectually preventing inundation, and rendering valuable and susceptible of cultivation the entire region lying along the same.

The cotton crop of 1860, grown in that portion of the alluvial region above the mouth of Red River, and where it is proposed to make the repairs, exceeded six hundred thousand bales, which, at the present average price, would produce thirty million dollars.

The sugar crop of 1860, grown in that portion of the alluvial region below the mouth of the Red River, and where it is proposed to make the repairs, amounted to two hundred and forty thousand hogsheads, with the addition of three hundred and seventeen thousand barrels of molasses, which, at present prices, would produce fifty million dollars. A tax of twenty-five cents per acre on the lands to be benefited by the proposed levees, would, it is estimated, pay the incurred expense, and the future value of the property be quadrupled.

The tax could, to render it secure, be declared a preferred lien on all property on which it might be levied.

Your memorialists would further represent that thousands of laborers are now needing employment, and that their labor could be used in this work with great advantage to the country; though nothing but National co-operation could accomplish it.

Your memorialists therefore ask that an appropriation of three million nine hundred thousand dollars may be made for the rebuilding of the levees in the States of Arkansas, Mississippi, and Louisiana.

JAMES HINDS,
Chairman.

Mr. SNYDER moved that the Memorial be adopted.

Mr. CYPERT. I am willing to ask Congress to do anything that is within their legitimate sphere. As an individual, or as a member of a public body of any kind, I would willingly petition Congress to do any act that would be for the good of the country,—with the proviso that I have made. But, sir, to ask Congress to specifically create a lien upon the property of individuals, for the purpose of carrying out a National measure, it occurs to me would be asking a stretch of their power. This Memorial asks Congress to levy a tax, specifically, of twenty-five cents per acre, regardless of the ownership of the land; thereby making the tax, therein specifically laid, a specific lien to reimburse the Government for the money laid out. I presume there is no lawyer that would contend, for one moment, that any legislation can mortgage my lands for any particular fund. It is true that the Government would have a right, under the Constitution, to levy a direct tax, and apportion it among the States, upon lands. But I am of opinion that even in that case they have no right to specifically lay it upon the acre, but must levy a direct tax, and apportion it among the States, who may collect it in any way they may see fit. That Congress could levy a direct tax upon any particular locality, for the purpose of carrying out a National project, for the improvement of a National thoroughfare, or the benefit of a particular locality, I submit, is beyond their power. If this can be done, no property is safe from being mortgaged. And it seems to me the most remarkable proposition I have ever heard, to ask a legislative body to mortgage private property! It proposes to force all individuals within certain bounds to have their property mortgaged, and to submit to the lien whether they are willing or not. It is an absolute absurdity. Such a thing is unknown to the history of the country,—such a thing is unknown to law,—that a man can be forced to mortgage his lands, without his own consent.

Mr. HINDS. The gentleman is mistaken in his assumption as to what is embraced in the Report. It is only put forth, in the Report, as a suggestion, that *if* a tax of twenty-five cents per acre were to be levied upon the lands, it would defray the cost to the Government—that that amount of tax upon the lands benefited, would repay the Government for the advances made.

This matter has been under advisement. The question has been submitted to Congress heretofore. The Government has sent out an engineer, Gen. Humphrey, who has made a report upon the subject. This Memorial is substantially based upon the Report of the Engineer; and if some action can be taken, showing the necessity of co-operation on the part of the General Government, in this work, we may perhaps accomplish the desired object, the rebuilding of the levees. There is certainly great necessity for it; and in the condition in which the country at present is, it will be impossible for individual effort to accomplish this great work, which is, really, a National one. If one State takes hold of the matter, without the concurrence of other States, the result would not be as valuable as if it were the work of the Government, and concurred in by the different States. So far as the repayment of this amount to the General Government, by the States, is concerned, it may be proper and just that it should be effected as suggested by the gentleman from White [Mr. CYPERT]; and there will be no objections. The statement of the Report, that a tax of that amount, levied upon the lands benefited, would repay the General Government, does not in any way indicate that that is the course to be pursued. It does not even recommend that. There is no doubt that the statement is correct. For the rebuilding of the levees in these three different States, it is very clear that the amount of tax spoken of, upon the lands to be benefited, would be sufficient to repay the sum asked for.

Mr. CYPERT. I wish to call the gentleman's attention to the section I have referred to.

> "A tax of twenty-five cents per acre on the lands to be benefited by the proposed levees, would, it is estimated, pay the incurred expense, and the future value of the property be quadrupled.
>
> "The tax could, to render it secure, be declared a preferred lien on all property on which it might be levied."

That is the very point. It suggests our view that that course should be taken. I would not like to suggest a thing that would be illegal.

Mr. HINDS. There is no question that this proposition appeals to the justice and sense of right of every party. The party is to be benefited, the holders of the lands to be benefited are the ones that should pay the expense. If they are benefited to the amount of four times the sum appropriated by the General Government, they can well afford to pay one-fourth the amount of their gain, and have it declared a preferred lien upon the lands; and I cannot see why gentlemen should object to it.

Mr. CYPERT. The gentleman does not seem, yet, to apprehend my view of the matter. I admit that if the individuals owning this property would consent to a contract of that kind, and create their individual liens, they could borrow the money from the United States, and mortgage their lands so as to make a specific lien. But we are suggesting to Congress this plan, which cannot be effected without the consent of the owners. If the Report suggested that a company be formed for the purpose proposed, and that each individual owning land to be benefited, might contract to pay twenty-five per cent. on the improved value of his lands, that would be well enough; but I continue to insist that there must be consent upon the part of the owner of the land, before a specific lien can be created. The Memorial suggests that this can be done; I suggest that it cannot be done, in accordance with any law known to our Government.

Mr. MONTGOMERY called for the reading of the Memorial.

The SECRETARY re-read the Memorial.

The question was taken upon the motion for the adoption of the Report; and, a division being called for, the motion was agreed to,—Ayes 26, Noes 17.

CONTINUANCE OF THE FREEDMEN'S BUREAU—AGAIN.

Reports of select committees being in order,

Mr. SCOTT, on behalf of the Committee, presented the following

REPORT OF COMMITTEE TO DRAFT A MEMORIAL TO CONGRESS, FOR CONTINUANCE OF THE FREEDMEN'S BUREAU.

Your Committee appointed to draft a memorial to Congress for the continuance of the Freedmen's Bureau, beg leave to report the following memorial and resolution:

The condition of the Freedmen's Bureau of the State was never before more insecure; for the following reasons, to wit:

1st. In the contest for the right of the ballot, the freedmen have incurred the malignity and hatred of many of the citizens of the State, who are using every conceivable means to reduce them to dependence and want, thereby reducing them to virtual slavery.

2d. Freedmen cannot obtain justice in the Courts of many sections of the State, in consequence of the prejudice incurred against them in their attempts to exercise the rights of citizens.

Resolved, therefore: That Congress is hereby petitioned to continue the Freedmen's Bureau until reconstruction is accomplished.

GEORGE S. SCOTT,
Chairman Committee.

Mr. KYLE. I have but one objection to that Report. I am not aware that justice has been withheld from the freedmen, in any portion of the State, in the courts of justice. I have heard of no instance of the kind, in the courts; and hence I do not concur in that portion of the Report. It may be true, in some localities, that a prejudice has been excited against the freedmen, on account of their exercising the elective franchise. I think it most likely that is the case.

With these views, I move to strike out so much of the Report as declares that justice has been denied to freedmen, in the courts.

Mr. DUVALL. I have one objection to that Report. It states that the freedmen have incurred malignity and hatred, in the exercise of the elective franchise. I do not think that statement correct. The opposition which has been raised to their exercise of the franchise, I do not think to be malignity and hatred to the blacks. I do not think or believe there is any sensible man, any thinking man, in the State of Arkansas, that pretends to blame the colored race for their position to-day. I do not charge them with it; and I repeat, I am not of the opinion that any sensible or thinking man does so.

Mr. HODGES, of Pulaski. I call for the yeas and nays, on the motion to strike out.

Mr. BEASLEY. I am with the gentleman from Dallas [Mr. KYLE], on that subject. I am not apprised of the fact—and, indeed, I can contradict the assertion—that justice before the law has ever been denied the freedmen, in my County. At the same time, I have voted in favor of the continuation of the Freedmen's Bureau, until reconstruction; and I believe that to be a good measure. I believe it more than likely that the freedmen will not, in all sections—even, to some extent, in my own County,—without some kind of protection, be able to exercise freely the elective franchise. But that justice before the law, in the way of obtaining their rights in matters of contract, and so on, has been refused them, I deny, so far as my County is concerned.

Mr. MONTGOMERY. I am here as one who can personally bear witness to the truth of the statement contained in the Memorial. I am one who does know that in certain portions of this State, justice *is* denied to the colored man, merely because he has voted the Radical ticket. I hope that the motion to strike out that statement, will not prevail. I have known cases of the kind, notwithstanding they may be isolated cases. But if the Freedmen's Bureau is withdrawn from protecting the colored people of Arkansas, these cases will undoubtedly be multiplied. Sir, in my County, on the day of election, a colored man rode a mule, in which he shared an equal interest with a white farmer,—he paying half the rent of a farm, and half the hire of the mule. I wrote the contract, myself, and know the facts. The man rode that mule to the election; and while he was at the election, they waited till they had seen him vote the Radical ticket, and then went before a Justice of the Peace and swore out a warrant for the sale of that mule. His friends came to me. I made a report to the Freedmen's Bureau. The man who swore out the warrant, and the Justice of the Peace who issued the warrant, were both arrested, as they should have been. And, to-day, that Justice no longer holds office. Such cases as these are frequent in the State of Arkansas; and if the gentleman [Mr. CYPERT] desires individual instances, I can give him half a dozen more of the same kind.

I am here as an "ex-Negro Agent," and here for the purpose of stating facts that I know, for the purpose of advocating the principles of the Republican Party, and to ask the protection of the Congress of the United States for men whom I represent in this Convention. And I know it to be the fact that in south-western Arkansas, not only the colored men, but the Union men, of the County, are, on account of their principles, denied justice in the courts. Here is an individual instance. When I was mobbed on the streets of Washington,—when I had pistols presented at me,—and after that time carried my revolver for the purpose of self-protection,—at the next term of the court I was the only man in Hempstead County, where, at the same time, a hundred and fifty men, carrying concealed weapons, were in the court-house—I was the only man indicted, and brought before a Rebel court, for carrying concealed weapons. This is prejudice; it is injustice; and I am here, for one, to try to place the power of the country, and the power of the courts, in the hands of loyal Union men.

I hope nothing will be stricken out of that Report. It is not expressed as strongly as I would like to see it. I care not what they call me. I know what justice is. I have had practice in the civil courts of the country, in four of these United States, since 1854; and I have a right to know in what justice consists. You see this want of justice in more of our courts than one, sir. A man was charged with having stolen some hens and chickens, twenty-two in number; and the only testimony, in that case, which was tried before Judge Bearden, was, that a certain man told a woman who owned the chickens, that her chickens were gone, and he didn't know the chickens; while the woman herself was not in court to testify! What kind of testimony is that, to send a man to the Penitentiary? What was the purpose? It was, to get the man in the Penitentiary in order that others might obtain his property. That is the course of matters in our courts. I am opposed to having the Freedmen's

Bureau abolished, until the power of the country shall be placed in the hands of Union men, so that there may be justice for both parties. I am not prejudiced. I can stand here and give justice to any gentleman, no matter what his political opinions. But I desire that no man shall be convicted of crime but upon competent testimony.

Mr. BEASLEY. I wish to correct myself before the Convention. I am in favor of the continuance of the Bureau, but not upon a false basis. I believe the Bureau to be essentially necessary; I believe it to have been a blessing to both white and black in the State of Arkansas. But, so far as Columbia County is concerned, I am not willing to indorse its continuance by basing our plea for its continuance upon the bare fact that the people will not do the black man justice. I therefore wish to strike out that portion of the Report. The people of Columbia County are apparently anxious to secure the rights of the black man, before the law; for, as far as I find, all parties are anxious to get him into law, and get his money out of him. [Laughter.] But on the suffrage question, they entertain great prejudice against the blacks, voting, and on that ground I believe it will be necessary, in order to secure to the colored people the free exercise of the elective franchise, to have the Bureau continued.

Mr. MOORE. I am not here for precisely the same purpose as the gentleman from Hempstead [Mr. MONTGOMERY.] I am not here for the purpose of representing the interest of any party, the Radical or the Conservative. I have, I think, a higher and nobler object than that, in being here. I am here to do my duty, as I understand it. I am here for the purpose of acting in obedience to the solemn obligation that you administered to me from that stand, that I would obey the Constitution of the United States, and demean myself faithfully as a delegate to this Convention. I am here for no other purpose. I do not come to subserve party. Nor do I think that any other gentleman, that is honest at heart, ought to come here to subserve the interests of a party.

I think the gentleman misunderstood the motion of the gentleman from Dallas [Mr. KYLE], or he would not have made the long and boisterous discourse you have just heard, in vindication of "*class legislation.*" I would be willing, to-day, to continue the Freedmen's Bureau *ad infinitum*, but for the fact that I believe, and in the presence of this assembly assert, that there was never a greater curse heaped upon the unfortunate freedmen, than that same Freedmen's Bureau. I believe, and assert it boldly, without the fear of successful contradiction, that they have been robbed of their rights—of their "dear-bought rights," as they are termed on the other side of this house, by Agents of the Freedmen's Bureau. It is susceptible of certain proof, that in my County [Ashley] one of these Agents did defraud a certain plantation out of fifteen bales of cotton,—that he took the cotton, shipped it, and the negroes never received a solitary dollar. I say that can be proved in this City, and by the General commanding the Sub-District of Arkansas. That is one instance. I have only to travel in Chicot County, represented, on this floor, by a colored gentleman [Mr. MASON], and I can prove that there, too, frauds were perpetrated by the Agent of the Freedmen's Bureau. I repeat, that I would be willing to continue the institution, but that it is a curse to the colored man.

But the gentleman descends to questions of little chickens, and shows, fully, the position he occupies in that matter. Little chickens!—a small matter, sir! The whole tenor of the gentleman's speech was such as to show you just where he stood,—that he represented, not the interest of his County, but only of a portion of the County;—that he came here only to represent a certain *class* of the people of Hempstead. I come here to represent *all* the people of Ashley County. I care not how black the man may be, I care not in how abject slavery he may once have lived, I care not how degraded may once have been his position in my County, about which you have heard so much,—where, it is said, neither Union man nor freedman can get justice. I beg to say, sir, that our County Court is presided over by a Judge of the gentleman's own party; and the freedmen do get justice. I say, too, that the Freedmen's Bureau is the greatest curse ever inflicted upon the black man, except that of removing him from his former condition. [Laughter and ironical cheers.] I say that twenty years from to-day will prove the assertion I make,—that the Freedmen's Bureau has been a curse to the freedmen, ever since it has been established. It is a curse in my section of the country, and in others.

The gentleman tells you that freedmen are denied justice in the courts, because they vote the Radical ticket. He informs us that the Justice of the Peace who issued the warrant, in the case which he mentions, acts as Justice of the Peace no more. I ask the gentleman, was that magistrate deprived of the right of exercising the functions of his office, by a trial for misdemeanor, or malfeasance in office? I imagine not. I imagine not. I imagine that the gentleman would not rise here, before the respectable body assembled in this hall, and assert that that Justice was deprived of his office upon trial and conviction for malfeasance.

But I am tired—or I would not have obtruded myself upon the Convention just now—I am tired of such resolutions as those now before us. We came here for a specific purpose. We did not come here to legislate for Arkansas. We came under the Reconstruction Laws. Those laws clearly define the office we are to perform. We are engulphing the State in ruin. We have no more right or authority to legislate for the people of Arkansas, than for the angels in heaven. Our duty is a specific one. It is clearly marked out. There is a sign-board, so clearly pointing out our functions, that the wayfaring man, though a fool, cannot err therein.

Yet we are here spending the hard-earned dollars of the people, when we should perform our prescribed duty, and go home.

Nor is this all. We hear of distress, all over the country. This Convention has been in Committee of the Whole on the subject of relief for the poor of the State. It has been said it was right for us to thrust our hands into the public treasury, and draw out greenbacks for the relief of the distress of the country. Will not the condition of the country be more distressing still, if we continue to sit here and spend all the money of the treasury? We cannot stay here without pay to meet our expenses. Great God! will this ever end? Is it not probable that it will continue until May or June? Look at the discussion of yesterday,—of the day before:—and at the final close of this discussion, what conclusion do you reach? There is already enough legislation laid out, here, to take up two or three months, and nothing done toward the accomplishment of the object for which we came. I do hope we will end this kind of procedure, and pass on to our legitimate duties. I am tired of this "class legislation," of which we hear so much, every day, from the other side of the house. If this is not class legislation, I do not know what class legislation is.

Mr. MONTGOMERY endeavored to obtain the floor.

The PRESIDENT. The gentleman has spoken; and is not again entitled to the floor if any other gentleman wishes to speak.

Mr. WILSON. I do not mean to make any speech on this occasion. I cannot approve of the position occupied by the gentleman on the other side of the hall [Mr. MONTGOMERY.] I do not think he is assuming the part of a peacemaker. I again ask the Convention to proceed to the performance of their proper duties, and to be in earnest about it. I am tired, and fairly tired, of such proceedings as those in which we are involving ourselves.

The gentleman from Ashley [Mr. MOORE] says he did not come here for certain purposes. Neither did I come here for any such purpose. We know what he was elected here for. We know what the party that elected him sent him here for. He was elected against convention, and against reconstruction upon the Congressional plan. That is a plain case. The party convention down the street settled that question, again, the other day—that is a matter that is settled. [Laughter and applause.] But we are not here to squander time unnecessarily. I regret that the statement immediately under discussion was set forth in that Report. I regret the entering upon record, here, of anything that is inflammatory. If the Report had been drawn up, in terms strong enough to present the case as it stands, we could, without such reflections as these, have respectfully petitioned Congress for the continuance of the Bureau. Every one that knows the history of the country, knows that there are great and good men with all parties. There is honesty and virtue on both sides. I am perfectly tired of this crimination and recrimination. Let us go forward, in a conservative spirit, to the performance of the task before us. I have no objection to the continuance of the Freedmen's Bureau. I know many gentlemen who get most of their living by pleading, in the courts, for negroes, and filling their own pockets. We all know what kind of justice negroes get at law. The lawyer gets the fee; and the negro pays the costs, or goes to jail, as the case may be. The lawyers tell us they are the negro's friends. I like a dollar as well as anybody, but I prefer to get my dollars in some other way.

Mr. MASON offered, as an amendment to the resolution presented in the Report, the following resolution:

Resolved: That Congress is hereby requested to instruct General Howard, Chief of the Freedmen's Bureau, to officer it with more honest and efficient men.

[Laughter and applause on the left.]

Mr. REYNOLDS. I second that amendment.

Mr. HODGES, of Pulaski. I do not intend to make a speech. I merely wish to say a word in reference to the witty arguments adduced upon this question, by the gentleman from Ashley [Mr. MOORE.] He spoke of delays, and so on, in the proceedings of the Convention. With reference to the delays of yesterday, I would just ask how it happened that ten votes held this Convention in session for a long time, so as to prevent it from voting upon the main proposition—whether the majority, or the minority of which he is a member, was to blame for that delay.

He has said that in his County, and in some other counties, there have been dishonest Bureau agents. We suppose that to be true—we are willing to take his word for it; but supposing it to be true, is that an argument against the existence of a necessity for the Bureau? We have instances in this State, I believe, of judges conducting themselves improperly; and some of them are now under impeachment, awaiting trial. Is that a reason for dispensing with circuit judges? And I ask, with equal justice, is it a reason for dispensing with Bureau agents, that there have been some dishonest officers of the Bureau, and that the officer who has had supervision over them has failed to ascertain the fact, and to discharge them in due time?

Mr. MOORE. I wish to make an explanation in regard to what has been said as to the unnecessary consumption of time by this Convention. The gentlemen holds that the ten were the cause of the delay which took place yesterday. All he has to do, to ascertain that the fact is otherwise, is to refer to his very great desire to correct the proceedings of yesterday, against which we were voting. All that is necessary, in order to ascertain why we were opposing the proposition yesterday before the Convention, is to advert to the fact that he comes here to-day and endeavors to correct the very action against which we were voting. He has no right to say that if he had put the proposition in a tangible and intelligent form, we would have voted against it. It was the odious light in which the matter was presented to the Convention, which occasioned our opposition.

Mr. HODGES. I am happy to hear that the opposition was only upon the simple question of words. I had supposed the gentlemen opposed the proposition from principle, and not merely on account of the phraseology.

Mr. MOORE. "Odious" was my word.

Mr. HODGES. It appears that this Report sets forth facts that exist only in certain parts of the State. What Congress wants to know, is, facts; and I understand the Committee to be setting forth facts which in different parts of the State do exist. It is not necessary, for that purpose, to state these facts as existing in the counties represented by my venerable friend from Dallas [Mr. KYLE], or from Columbia [Mr. BEASLEY.] But in regard to Phillips, Pulaski, Prairie, and other counties, it may be necessary to state the facts as existing. Perhaps, in those counties, they have had honest Bureau Agents. And I appeal to the gentleman whether even white people did not, in the spring of last year, get help from the Bureau. But for the provisions distributed by that agency, would there not have been starvation, even, in that portion of our fair State? That is all I have to say upon the subject.

Mr. CYPERT. I concur, to some extent, with the gentleman from Hempstead [Mr. MONTGOMERY], and to some extent, with the Report. But it fails to present the facts in a manner that I should wish to concur in. I admit that the courts of the country do not mete out justice to all classes. And I admit that if all classes had justice done them, more, of all parties, would board with my friend from Pulaski [Mr. HODGES.] While I would in no way detract from that gentleman's argument, I would like to contribute somewhat to his welfare, by contributing to his boarding-house some men, in our country, that deserve the just punishment of their conduct. It is not altogether from political considerations, however, that they fail to meet justice. It is a misfortune that we all labor under; it is a misfortune of our system of government, it is a misfortune of all governments, that they cannot always punish criminals. But, sir, I think the gentleman from Hempstead places the reasons of the imperfection of justice upon very different grounds from that warranted by the facts. I do not believe the Bureau Agency to be the means of correcting the errors to which the gentleman has referred; and I place my opposition to it upon different and higher ground than that of any party feeling whatever. I oppose it upon the ground that it has power, if it has any power, to destroy the very foundation of our Government, since it can arrest any man, be he a justice of the peace or a member of the Supreme Bench, and try him by a military commission—a body responsible neither to law nor to God, if their acts are to be taken as an indication of their responsibility. The gentleman says that a justice of the peace in his County was imprisoned by the Bureau—for what? For performing his duty under the Constitution of the United States. What was his duty in the premises? When a proper affidavit was made before him, that a crime had been committed, it was his *sworn duty* to issue a warrant.

A MEMBER [*in his seat.*] He was bound to do it.

Mr. CYPERT. Bound to do it. The party swearing out the warrant might have been corrupt; but the Justice did not know that, and when the affidavit is filed before him, he thereupon issues his warrant as of course. For performing the very act which the law required of him, this irresponsible officer arrests him, and deprives him of his office, without trial! Is that the kind of institution we wish to perpetuate in our country,—one that strikes at the very foundations of the country? It is a kind of mongrel,—civil and military;—I suppose it was got by the Military, out of the Civil. It was conceived by Congress; and I suppose Congress was ravished by the Military, and that was the result. It is enough to say of it, that it is an institution that seizes, and displaces from the bench, the Judiciary of our State. Why, sir, what was it that that law declared? —that any judge, or any officer, civil or judicial, preventing the enforcement of that Law, should be amenable to arrest, and trial by commission, —or something to that effect. Sir, I oppose the perpetuation of such a system as that, because it is in open violation of a declaration that you now propose to incorporate into the Constitution of the State. In that instrument you propose to incorporate a declaration which says, in effect, that this institution violates every principle of our Government,—when you provide that the trial by jury shall be inviolate, and that no man shall be put upon trial but upon presentment or indictment. Do you accomplish that, by this Bureau? Are the prisoners whom it tries, duly indicted? No, sir; and mere statements, from any individual, will warrant the Agent in arresting any person. I believe the gentleman was once a Bureau Agent. I have a fellow-feeling for that class of men. I was once one of that class, myself. But I learned, in that position, different rules from those which the gentleman seems to have learned. I learned that it was my duty to conciliate all the different feelings of the community. It seems the gentleman learned it was his duty to stir up strife, and harrow up the discordant feelings of the community.

And I must say, right here, that as a class, the freedmen are docile and improvident, but all the evils they have been prompted to do in the South, if they have ever done any, I charge to the bad influence that white men have exerted over them. I say, without fear of successful contradiction, that, as a race, they are the most docile, quiet people in the world. Docility, and improvidence growing out of that docility, are their characteristics. And the source of all the evil they perform, is in the fact that they *are* docile, and can be easily guided and controlled by the white race. They can be made tools in the hands of bad men. They are mere clay in the hands of the potter, under the domination of the minds of men of the white race; and the evils they do, if they do any, are generally prompted by the counsels of evil advisers.

I place my opposition to the perpetuity of this Bureau, on the grounds that it is unconstitutional, that it is in violation of every principle of our Government, and that it creates a despotic power in our Government, scarcely amenable to any one or anything. Its agents report to General Howard—or somebody,—the great "Gyascutus" of the institution—I do not recollect his name. He appoints his Agents, on the advice of individuals, and knows nothing about them; and as the gentleman from Chicot [Mr. MASON] has indicated, bad men have been made Agents, and, instead of harmonizing the two races, and allaying all the prejudices of either party, they have stirred up those prejudices, and kept alive the worst passions of men. I believe this Freedmen's Bureau, if managed in the proper spirit, affords a means of harmonizing these elements. But it is a deviation from the principles of our Government, and should be ventured on with great care. And because it is a deviation from our ancient landmarks, I oppose it. I wish to adhere to the old principles of our Government. It is because it is in open violation of the declarations of the Bill of Rights, and of the Constitution of the United States, and because it gives so much power to irresponsible parties, that I oppose it.

Mr. BRADLEY. I do not wish to make a speech. I desire only to say that the negroes in my County [Bradley] became very sick of the Freedmen's Bureau. We had an Agency of the Bureau there, the first year after the war; and the negroes found themselves sold out by it. We have now had no Agency there for eighteen months or two years. Since we have been without the Bureau, we get along more peaceably and quietly than before. And so far as regards justice, the freedmen can certainly obtain it in that part of the country. They may meet with injustice somewhere else—I know nothing about that. But I know that the argument of the gentleman on the other side of the house [Mr. MONTGOMERY] is against himself; and it seems to me that his argument is a sufficient one to refute the proposition which he set out to establish. You have it, now, in your power to remove from office all the disloyal magistrates, as you term them; and the Civil Rights Bills have placed all these matters before the magistrates. As regards the disputes, between the races, which grow out of the crop system, as most of them do, General Ord has fixed a law taking the matter out of the hands of magistrates, and giving the negro the right to select one man, the white man another, and those two a third, for the settlement of the controversy. That plan has been tried in my County, and is believed, by both races, to afford the best tribunal for the determination of that class of questions.

If we are to fix, in the Constitution of the State, provisions to protect the civil rights of the negro, and give him a Bureau, we ought to have a Bureau for the white man too. I do not see the necessity, unless the United States Government has more money than it wants, and needs some chance to spend it. The passion that was burning on the altar of the country's heart, is in great measure burned out. The people are learning that it is necessary for them to be kind to the negro; the negro is learning that it is necessary for him to comply with his contracts; and anything that would tend to interfere with the arrangement of these disputes, would tend seriously to the disadvantage of both.

We have, upon the bench, in my own County, a Union man, one who was persecuted, all through the country, for his loyalty; and he does not fail to mete out justice. I do not suppose there are more than one or two disloyal judges in the State, if that number. The negro can and does obtain justice; and if he failed to obtain it, there are appellate courts, to which he can take his case up; and there are lawyers, plenty of them, to take up his case without a fee, if the man has no money. I have, since their emancipation, defended many a one, without receiving a cent; and I would defend them as cheerfully without a cent, as if they had a mint of money, provided they come to me in the right way. I believe the tribunals of Arkansas are as ready, as a general thing, to mete out justice, as those of any other State or country in the world.

I can see no necessity——I beg pardon—I apologize for my whole speech—I retract it all. There are not offices enough for all hands, and we must procure a continuance of the Bureau, to afford places. No plant must be transferred from the North, but must have its place to run; and I think it likely somebody might fail to get his position, if this scheme should fail.—I take it all back.

Mr. HODGES, of Pulaski. I wish to ask a question of the honorable gentleman from Bradley [Mr. BRADLEY]: whether he did not, within two months, urge upon General Smith the necessity of continuing the Bureau?

Mr. BRADLEY. No, sir—O no! I was requested, by a citizen of my own County, to apply to General Smith for his appointment as Agent of the Bureau. I spoke to General Bennett, last Fall, and asked him if they wanted a Bureau Agent in my section. I did not memorialize or petition. He replied that there were not enough negroes there to make it necessary. I did not urge the matter, at all. I only made the personal application, for an old gentleman, not able to work, and very loyal. He expressed a desire for the position. That is all I had to do with the matter.

Mr. GREY, of Phillips. I am sorry to have to say, that I think the continuance of the Bureau necessary, at least for a time. I am not here to eulogize its officers, or in any way to defend their course. They are sufficiently able to do that for themselves. At the head of the Bureau stands one of the most distinguished Americans of the age. But a resolution has been adopted by the House of Representatives of the United States, and sent in the form of a circular, to various quarters, which reads as follows:

> *Resolved:* That the Committee on Freedmen's Affairs be directed to ascertain what reasons there are, if any, why the Freedmen's Bureau should be continued beyond the time now limited by law, and report by bill or otherwise, with power to send for persons and papers, and examine witnesses under oath.

The Chairman of that Committee desires information upon the subject of the resolution. The appeals that have, to my knowledge, come to them, from men of my own race, indicate the fact that there is a lack of justice, somewhere, and that there is some necessity for throwing around this class of the citizens of Arkansas, all the protection we possibly can, until the State shall resume its relations to the Federal Government, and shine forth in the galaxy of stars,—until the wheels of government shall be put in motion, again, according to the laws of the country, and some means shall be by law established by which the citizens of the State may receive their rights and privileges in the courts of justice. We certainly need the assistance at present. As I have often remarked, it is not a matter of surprise to me that where prejudices exist, it is beyond the power of mortal man to eradicate those prejudices in a brief period of time. That has been exemplified upon this floor. While gentlemen have expressed the kindest feelings, they have said they believed the organization of the Freedmen's Bureau to be the greatest curse that has been inflicted upon our race, *except our emancipation!* I believe there are many honorable exceptions to the prejudices that blind the minds of men in this age of the world; yet, while such antagonistic feelings still remain in the breasts of the leading men of our country, do you think it would be wrong on our part to ask the Government to continue the only practical means by which we obtain a shadow of justice? I am willing to bear the ills I have, rather than fly to others that I know not of. Take away the Freedmen's Bureau, and it is beyond the power of mortal man to predict what would be the consequence. It has been declared by some of the greatest minds in Arkansas, that Arkansas is to-day in a state of revolution. Men who differ from me in political opinions dare to declare boldly that Arkansas is still in a state of revolution; and if that be the case, the helpless, the downtrodden, those who are, as it were, between the upper and the nether mill-stone, need the assistance of all the power of the Government, to defend them from utter annihilation. To say men can obtain justice while this unsettled state of things continues, is asking us to believe more than, under the circumstances, mortal man can accept. If I could have found, in the history of the world, an instance where men have in a moment given up the prejudice of centuries, interwoven in their very natures, transmitted to them from long generations past, then I might accept these statements, in their full meaning. But under the circumstances, we must act cautiously, and with regard to our own best interests. As to the Bureau being a benefit to the negroes, it is not only a benefit to us, but to the white people of this country, to the poorer classes of both races. I do not look upon this as class legislation, nor as an attempt to attach any provision to the organic law of the State, but simply as an effort to secure the continuance of a certain state of things until civil government shall be established in Arkansas, and the courts can resume the exercise of their proper functions,—until, in a word, prejudice can give way to reason,—until men, declared by the laws of the United States, and, in some cases, by their own admission, to be in a state of rebellion, shall be so far rid of prejudice as to do us justice as they would to others, under the law. I have always looked upon what is said of justice under our laws, as a perfect farce. The laws of this country declare that a man shall be entitled to an impartial trial by his peers. Now, to declare that negroes can receive justice in a court, anywhere in this country, North or South, under present circumstances, is to violate both probability and truth. If these gentlemen would adopt this rule for themselves, govern their own line of conduct by it, and submit to it, I would be willing to submit to it. But the law of England, on which the law of America is based, provides that when a man on trial is a foreigner, the jury shall be *de medietate*, in order that he may be afforded an impartial hearing. Show me an instance, in a county represented by any gentleman on this floor, where we have had a fair and impartial trial by a jury of our peers! We have never had it; and we never will have it until civil government shall have been established upon the firm foundations of justice and truth. For that we contend. As I have before remarked, I have no eulogies of the Freedmen's Bureau to make; that can protect itself. It is under the charge of white men. I do not complain of them because they do not give me the full meed of justice. How can I expect it? Have they not been raised in prejudice, and taught to believe that I was immeasurably their inferior, and, under the teachings of the Dred Scott decision, that I have no rights which a white man is bound to respect? When they do me impartial justice,—when there is an infinitesimal grain of justice in their decisions,—I am content. I would not impugn the motives of the judge, of the jury, or of the lawyers,—not the least in the world. But, sir, under the circumstances, it is impossible that they should do me impartial justice; it could not be, and more especially could it not be when no protection was thrown around my rights by the law of the land.

I remarked, sir, a while ago, that the Bureau was beneficial to the white as well as to the colored people; and I believe it is susceptible of proof that in the State of Arkansas alone, three thousand white men and women have been fed upon the charities of Government, and of the Freedmen's Bureau, beside what has been done for the negroes. We have shared together the charities of the Government. I have stood in court, sir—to refer to my former idea,—and heard lawyers whom, as I believed, the pride of their profession incited to do their best for the negro, yet who, in their argument, would sneeringly point at the Freedmen's Bureau, and represent their client, who was giving them his hard-earned money to defend his case, as the "pet of the Government." No, sir; I do not expect full justice. But I do believe that we may, as the best means of justice we can now obtain, continue the Freedmen's Bureau until civil government shall be established. When that shall have been done, I shall be willing to take my chance with the rest. Give me the right of the ballot, by which to hold an influence over men in office, and I am willing to take my chance. Not in the present disorganized state of the country. I have seen too many instances of the grossest injustice. I have seen it in our own County, where six murders were committed in a single month, where two men were shot down right in the *sanctum sanctorum* of justice, in the office of the magistrate, where some fifty men or more stood armed; and the murderer went out of the office and went about his business; and men rode twenty-five miles to tell the Bureau Agent that they deplored such conduct! Under such circumstances, I appeal to your sense of justice, to say if we do not need some protection. If nothing more, the moral influence of the mere fact that the Bureau Agent is abroad in the land, and is the representative of the United States, is something.

This prejudice to which I have referred, can be annihilated only by time. See what have been the workings of this prejudice of race, among men who stood upon the same platform in point of birth, education, and intellect. Look at what Macaulay says of Ireland.

> "When the historian of this troubled reign turns to Ireland, his task becomes peculiarly difficult and delicate. His steps—to borrow the fine image used on a similar occasion by a Roman poet—are on the thin crust of ashes, beneath which the lava is still glowing. The seventeenth century has, in that unhappy country, left to the nineteenth a fatal heritage of malignant passions. No amnesty for the mutual wrongs inflicted by the Saxon defenders of Londonderry, and by the Celtic defenders of Limerick, has ever been granted from the heart by either race."

Now, can you, who hold such prejudices among yourselves, expect me to consent to place in the hands of any man or any set of men, for me, all that makes life worth living for? With all its faults, I desire to retain the Bureau until civil government shall be established. In my own County, I was informed, by a gentleman who acted as a juror,—who seemed by some mistake to have been placed in the jury-box, in a prominent case,—that when the case was submitted, they proposed to him,—"Let us take back a verdict of guilty." "But hold on: *is* the man guilty?" "O, it doesn't make any difference—it's a nigger—it's a nigger—and it's near dinner-time!" [Laughter.] I remark that that clause of the Report which states that we cannot get justice in the courts, is literally true. I am sorry; because I believe there are many men exceptions to the general rule. But so long as this state of facts continues, just so long all influences, malignant and otherwise, will be exerted to crush us out, so that we may not exercise our rights and privileges as American citizens.

Again, there are gentlemen who really believe I have no rights, in this country, that white men are bound to respect. Even they, in our rebellious State, I believe, have generous feelings toward us; but gentlemen who quote that dictum as the measure of my right, and honor that decision, must logically proceed to say that I have no right to bring a case in the courts of the United States. How, in the name of God, am I to obtain justice, if I am denied that privilege? The gentleman's generous feelings go beyond his reason, in that case. He could not carry out his impulses, however generous they might be.

I claim that freedom, thus far, has *not* proved a curse to the negro. I claim that the Freedmen's Bureau is *not* the greatest curse that ever befell the negro. But I do claim, and I go before the congregated world and ask for the verdict, that slavery, in its American type, was the greatest curse ever hatched in Pandemonium, or that was begotten in hell and went forth to afflict mankind. [Applause.] And, not being a prophet or the son of a prophet, I predict that before the time given us, by the gentleman, to return to our normal condition, shall arrive, we will be so far beyond the reach of mortal man, that nothing but the arm of God himself shall be able to take from us these American liberties which we are here, to-day, endeavoring to obtain. We have a right to live, and to enjoy the fruits of life, in the United States. I do not think that to give the right of citizenship to the negro, will hurt the country, in the least. I think I have already, upon this floor, proven that we have been citizens. Congress is not making citizens,—except, perhaps, in the point of increasing their numbers. When the Articles of Confederation were adopted—when we passed from under the British yoke,—free men, free-born men, black as well as white, when the shackles fell from their limbs, stood forth clothed with the full rights to which they before were entitled, of British freemen. In that condition, Judge Curtis tells me, in five States of this American Union we voted for that old, time-honored instrument, the Constitution of the United States. Talk about making us citizens! we have *been* made citizens, sir, not only by that right, not only by the admission of the founders of the American Republic, but by performing the highest duty that the citizen owes to his government, that of bearing arms in its defence, and supporting it in its hour of trouble. Judge Curtis, in his opinion on the citizenship of negroes, says the argument reduces itself to two points, first, the true allegiance of the citizen to the government, and second, protection, by the government, for the citizen. We have paid that allegiance, we have paid it in blood. Upon the soil of the country lie the bones of forty thousand negroes, that have fallen in this great struggle. In the Revolution, we were there. When Jackson fought at New Orleans, we were there; and it is written, in letters that never will be blurred or blotted out, that General Jackson asked the Congress of the United States to pass a resolution of thanks for our patriotic conduct. Then talk about our not being citizens! The gentleman holds up the Dred Scott decision as the measure of our rights. He says that decision has never been overruled. No wonder! Why not, sir? It was made for a particular purpose. It was made for the purpose of expatriating us, of driving us out of the protection of the country. That decision cost the contestants seventy-five thousand dollars; and we have been too poor to pay the expenses of a suit which should result in its reversal. That judgment made a Justice of the Supreme Court a murderer. Judge Catron said that he had sat as a judge in Territories of the United States, in capital cases, sentencing men to death, for twenty years; and could he say the United States had no jurisdiction in the Territories, when the fact of such jurisdiction could alone constitute his authority for sitting upon the bench and pronouncing sentence? The gentleman can take either horn of the dilemma he pleases. I prefer to say the decision was wrong, and to maintain the honor of the American bench.

I have before asserted that the Government owes us its protection. In the plenitude of its power, in the fulness of its magnanimity towards the South, three times has that Government made propositions which would have overthrown all my rights and privileges, and cast to the ground all my hopes of future preference. My prospects of citizenship would have vanished like the baseless fabric of a dream, had the people of the South accepted the terms offered them. From these very halls these propositions were kicked out. The Thirteenth Amendment *permitted* the South to make the negro a voter, and, whenever they would, do with him just what they pleased. Now we have been given the right to assist in the reorganization of the State. Nor do I thank the Government, specially, for doing that. I know the purpose. It was for the purpose of creating, at one stroke, a substratum upon which the loyal men of the South could build loyal governments for the States of the South. It was for that, and not for any particular benefit of mine; but through their necessity for reorganization in the South, I receive my right. And I want every jot and tittle. I want you to pay the bill in full. Give me the right of citizenship, give me perfect equality before the law; I will receipt the bill in full, and ask no more. But until then, I must continue asking for it, till, like the unjust judge, you will be so sorely importuned, that you will have to grant us our rights.

To return to the question immediately before the Convention. I cannot vote to have the passage stricken from the Report. While there are many honorable exceptions to the statements of the Report, they are in the main correct. Let these facts go before the Congressional Committee, and let them determine whether or not they will continue the Bureau until civil government shall have been established in this land. When a civil government shall have been established upon a firm foundation, under the Reconstruction Acts of Congress, recognizing the rights of all men before the law, we can swing loose in the galaxy of stars, and take care of ourselves.

Mr. McCLURE. I now move the previous question.

Some question being raised as to the right of the mover of the proposition before the Convention, under the rules, to address the Convention, in conclusion of the debate,

Mr. BROOKS asked the consent of the Convention to make a personal explanation.

By unanimous consent,

Mr. BROOKS proceeded: I find that in the report of yesterday's proceedings, in the Gazette, I am represented as saying that I did not wish my family protected either against the gross African or the lager beer German. I wish to state that I do not suppose I am intentionally reported erroneously. The report is, of course, merely an abridgment. And in the confusion that prevailed in the hall at the time, and with the hurried manner in which I spoke, I can very readily see how I might have been innocently misreported. My own remembrance on the subject is very distinct, as to the precise words employed with reference to the Germans. I followed the train of remarks indicated by my friend on the extreme opposite side of the hall, the honorable gentleman from Clark [Mr. LANGLEY], in which he introduced Germans, French, and other nationalities that might with propriety be included in this kind of legislation. In following that train of remarks,—as I remember the expression, I spoke thus of the Germans:—I asked no legislation, at any time, to protect my family against gross persons of any class,—a gross negro, or such persons as some gentlemen were accustomed to designate as "lager-beer Dutch." I did not present the language as original. I can simply say, it is a term that I am not accustomed to employ in the most familiar intercourse, anywhere, or at any time. And I certainly intended no indignity to any one, black or white; and merely employed the term as quoting the language of others, to which I might have added a very forcible adjective very frequently employed by the opponents of Republicanism through the country; but I chose to omit the adjective, and employ the phrase generally employed by those parties,—as it is well known that the German citizens of the country, like the colored citizens of the country, were, almost without exception, true to the country's interests, and faithful to its flag, throughout our great struggle. As those who have been familiarly acquainted with me for years past, and my neighbors at the present, as well as when the war broke out, well know, no one can have a more exalted opinion of the political character and private and public virtue of the Germans of the country, than I, unless he has more heart to appreciate it. I did not employ those words as original remarks, but as quoting from other parties, and simply for the purpose of making the point,—following out the remarks of my friend on the other side of the hall,—that the proposition before us involved the same principle which would be presented in a prohibition of marriage with those of any other race or nationality, and that, of course, if we might make a distinction against those called negroes, we might as well make a distinction against those called Yankees, and so forth.

The vote was then taken upon the call for the previous question; and the Convention refused to order the main question.

Mr. CORBELL. I desire to say that, as far as my County [Sevier] is concerned, I do not know but the freedmen have always had justice. I am informed that the case has been otherwise in other portions of the State; but I can deny the truth of the statement so far as my own County is concerned.

Mr. GANTT. I do not care to discuss the whole question before the Convention. The debate has taken a wide range. Some allusions, however, have been made, to which I wish briefly to reply. The first fell from the honorable gentleman from Pulaski [Mr. HODGES.] I understood him as intimating, if not charging directly, that injustice was done to freedmen in the County of Prairie.

Mr. HODGES, of Pulaski. I spoke without any advice, and said, "perhaps."

Mr. GANTT. I am gratified that I misunderstood the gentleman; for I am certain that if injustice has been done the freedmen in that County, the fact has not reached my ears. There has been manifested, by the people of that County, without regard to political sentiment, an honest and ample desire to do justice to all men. And as an evidence of that fact, I desire to state that the Agent of the Freedmen's Bureau of that County has taken occasion, whenever it was possible to do so, to refer matters of controversy arising between a white man and a freedman, to the courts of the country, and has always expressed a sincere conviction that those courts would do the freedmen justice. Oftentimes, such matters have been taken from the Freedmen's Bureau, and committed to the courts, at the earnest instance of the freedmen.

Another allusion was that of the honorable gentleman from Union [Mr. WILSON]—and we seem fated, I believe, always to "hitch," in argument. The allusion was to lawyers. It is my good fortune, or my misfortune, to belong to that class; and I believe that, as a profession, it is honest and honorable. The intimation which the gentleman made was, that the lawyers were growing rich upon the energies of the freedmen; that lawyers were feasting, and gaining fatness, upon the spoils of the freedmen of the State. I cannot believe one word of that.

Mr. WILSON. I do not think the gentleman represents me properly. I said they were willing to give the freedmen justice, by filling their own pockets out of what they can make by pleading the cause of the freedmen, before the courts.

Mr. GANTT. That is just what I understood the gentleman to say originally,—that the lawyers were filching from their neighbors, putting money in their own pockets, and growing rich. I will make a personal explanation, for myself; and I do not think I am an exception to the general rule among lawyers. Since the close of the rebellion, I have defended at least a hundred freedmen; and I have obtained but one fee from the whole number. There were but two who expressed an ability to pay; and I was prepared to admit, and believe, that, owing to all the circumstances surrounding them, they were not able to pay. When they appealed to me for my services in their defence, they received them. One of them gave me an order on a man who had been an intense rebel; and it was paid. Another gave me an order upon one of the leaders of the opposite faction, in the County,—and who, to a great extent, "runs the machine,"—and it was not paid. I have defended these people cheerfully, and, I may say, with a great deal of success, as, of the numbers I have defended, not one has been convicted. As regards the Judicial Circuit in which I reside, I have never seen, in this State or elsewhere, more impartial, more straightforward, unmingled justice done, as between freedmen and white men, or between any other classes of men, than there. I see upon the floor the honorable, the worthy, the exemplary Judge of the Circuit Court; and I say, and say it that it may go before the country, that upon all occasions he has meted out even-handed justice. Juries have done the freedmen justice, in my Circuit. They have never manifested any disposition to award, to a freedman put upon his trial, other than ample justice. If he was guilty, they convicted him; if innocent, they cleared him. I believe that from my County we have but one boarder with the gentleman from Pulaski [Mr. HODGES], and he was fresh from the rebel service when he was sent to the Penitentiary. So far as I know, the freedmen of my County are willing to submit their cases to the juries and courts of the County. The Agent of the Freedmen's Bureau has always manifested that willingness. I make these explanations in answer to remarks which have been made upon the floor, because in one instance injustice was done to the profession to which I belong, and of which I am proud, and in the other I felt that injustice was done to my constituents.

Mr. MALLORY. The argument for the necessity of the continuance of the Freedmen's Bureau, it seems to me, has not been met, upon this floor. In my County, the office of the Bureau Agent is thronged, daily, with applicants for justice—and I do not speak, now, as an outsider. It has been mentioned by some gentlemen on this floor, that they are ex-Agents of the Bureau. I claim to have held that position longer than any man in the State of Arkansas, and over a more populous district than any other man. And for days previous to my starting for this place, the office of the Freedmen's Bureau, in Jefferson County, was thronged with applicants asking justice in the matter of their contracts.

It seems to me that although this resolution is the main question before the Convention, it is only a side issue with regard to the main question before the people. If these gentlemen, so opposed to the resolution, would with their might and main act and vote so as not to retard the progress of the proceedings of the Convention,—if they would help us in our efforts to frame a Constitution that should bring Arkansas back again into the Union,—it is not presumable that the Freedmen's Bureau would bother us much. And I will say that a pertinacity has been displayed, with regard to the business of this Convention, which seems to indicate that the purpose entertained by gentlemen is, to retard its action. I came here for a purpose; and I do not consider that I am acting outside that purpose when I vote to endorse a memorial of this nature, addressed to Congress. I shall, therefore, vote for the resolution.

Mr. WALKER. I rise to enter my protest against the continuance of the Freedmen's Bureau. I regard it as unnecessary;——

Mr. HODGES, of Pulaski. I rise to a point of order. I frequently hear gentlemen "entering their protest." I wish to know what it means.

The PRESIDENT. The Chair does not understand it to be a formal protest, but made simply by way of a speech.

Mr. WALKER. I consider that the continuance of the Bureau is unnecessary, and that it is a heavy and useless expense to the country, to maintain the institution, unless it be necessary. So far as regards the allegation that the negroes are unable to obtain justice without the aid of the Bureau, I have this to say, in regard to the people whom I represent; that in no case which has come under my observation, has there been a failure on the part of the courts, or of any of the authorities, of my County, to mete out ample justice. I will instance one case; in which a white man was fined twenty-five dollars, for throwing a stone at a negro. The old negro testified that the stone weighed seventy-five pounds, and that the man threw it eighty yards, at him, and had like to have taken his head off. [Laughter.] In another instance, where a freedman was indicted for larceny, and in which he was acquitted, he was allowed a jury partly composed of negroes, and of which the foreman was a negro. I do not say he got justice in that case—I don't think he did;—but he was acquitted, and I suppose the advocates of this Bureau will say he had justice. I have been one, in my County, to protect the rights of the negro. I will say that in one instance a freedman came to me, to have me transact a little business for him. He told me that a gentleman of fine legal attainments,—and a pretty good loyal man, by the way,—had charged him ten dollars to attend to that business, and it was a little more than he could stand. I attended to it for him, and did not charge him a cent for it; for really, it was not worth anything—it did not require more than three minutes, and I did not feel that I ought to charge anything for it. That same negro afterward came to me and told me he knew who his friends were. I repeat, that in no case that has come under my observation, has there been a failure to mete out justice to all, regardless of race, color, or previous condition. I desire to make this statement, because I think it due to the people whom I represent.

Mr. JOHNSON. I would say to the gentlemen who are opposed to the Freedmen's Bureau, that it seems that, with all the power of the military, and with all that the Bureau can do, it does not give justice to the colored population, after all. The Freedmen's Bureau travels all over the State, in every County, and its agents go there for the purpose of doing justice; and yet, if gentlemen will look over the history of the past year, right around where I am living, they will find, as my friend Mr. MALLORY says, that the freedmen are crowding the office of the Bureau, to get justice. I think we had better add, to the Bureau Agents here, fifty more than we now have in the State, that justice may be done. I do not think I ever would vote for the Freedmen's Bureau to be done away with, until the country is reconstructed. We need reconstruction—universal suffrage. Give us that, and we don't ask any more—give us that, and we will not need the Freedmen's Bureau. I am willing; and every man in the house is willing, I think, that wants to give justice.

Mr. MONTGOMERY. I do not desire to occupy the attention of the Convention for any length of time; and I shall not offer any further argument as to the merits of the resolution, or of the amendment. I desire to notice some insinuations thrown out by gentlemen on the other side of the house, and to say that, as far as the amendment of the gentleman from Chicot [Mr. MASON] is concerned, I myself think, from what I have heard, in conversation, of the course of ex-officers of the Freedmen's Bureau, the idea would be a good one.

One gentleman [Mr. MOORE] accuses me of being here only for the interests of a party,——

Mr. MOORE. I made no accusation. It was a declaration from the gentleman's own lips. He said he was here in the service of the Radical Party.

Mr. MONTGOMERY. I can say I *am* here for the service of the Radical Party, but not for that alone; and I did not say I was here for that alone. The gentleman has so stated; and it is a mistake. I am here for the benefit of the State of Arkansas, so far as it is in my power to benefit it. And when the gentleman places me in that light, he presents me in a false light before this Convention. I am glad, however, that the gentleman has placed me in a proper position so far as faithfulness to my people is concerned. I do not desire to be held up here as a conservative, or a man of half-way measures. I desire to be shown as one who desires to keep every inch of ground we have gained, so far as party is concerned; and I think that if the gentleman could see the question as I see it, or see it in its true light, he would perceive that *he* is not representing his constituents as he claims to be. I think that if even Ashley County were truly canvassed,—I think that if men were permitted, in that County, to vote as their conscience dictates,—even Ashley would be Radical. And I think that when the gentleman is occupying the time of this Convention with all his dilatory movements,—when he is fillibustering and skirmishing, here, for the purpose of preventing action upon the Constitution, he is misleading his constituents. The gentleman proposes, of course, to represent the views of those who voted for him; and in that respect he has been a more strenuous party man than even I myself. And it does not come with very good grace, from his lips, to say that the colored men of the State are like clay in the potter's hands; for I conceive there are men in this Convention who are clay in the potter's hands,—men willing to subserve the interests of old party leaders who have ruined this State, and are here, to-day, for that purpose, instead of for the purpose of carrying out the reconstruction measures of Congress. That is the position which the gentleman occupies.

The gentleman from White [Mr. CYPERT], who occupied the position of Agent of the Freedmen's Bureau, when they couldn't get anybody else in

White County, says that while holding that position he took a conciliatory course; and he makes the broad assertion that I, when occupying the position of Provost Marshal of Freedmen in the County of Hempstead, instead of taking that course, adopted an opposite one, and tried to stir up strife and prejudice. Sir, I pronounce the assertion false.

Mr. CYPERT. I hold myself responsible for the remark; and will prove the assertion true. That is what I will do!

Mr. MONTGOMERY. Very well, sir; we propose to be responsible, too. I never have tried to stir up strife. I have my constituents, I have my colleagues, who know my course, who witnessed my course while I was occupying a position in the Freedmen's Bureau. If the gentleman will permit me to make a personal explanation—when, contrary to my wishes, I took the office, when General Reynolds told me, personally,—"Sir, you have got your orders—go!"—I went. I took the subject under consideration; and, reviewing and examining it in all its aspects, I came to the conclusion that the interest of the white men of this country was with that of the colored men, and that of the colored men with the whites; and that just as soon as these two interests should be separated, just so soon the whole community was ruined. And all my operations in the Freedmen's Bureau have been on that line, and undertaken, not for the purpose of "conciliating" the authors of frauds perpetrated upon freedmen, not for the purpose of "conciliating" idleness and roguery in freedmen, but for the purpose of inducing these colored men, who knew not, at that time, the meaning of freedom, to do their duty; and I talked to them earnestly, to teach them to be industrious and honest, and prove to the country that the United States Government had not committed a mistake in making them free. They have carried out my advice. I was not one of those spoken of, who took fees from white men to perpetrate frauds upon freedmen. There have been men of that kind in the State of Arkansas.

I take it, sir, that we have sometimes to submit to smaller evils, in order to avoid greater ones. One gentleman [Mr. Bradley] says the intention in perpetuating the Freedmen's Bureau is, to supply places for disappointed aspirants; and that he is willing. Well, I do not blame the gentleman for being willing. And I pledge him, that if the resolution shall be adopted, and Congress shall continue the Freedmen's Bureau, he shall have my interest for a position.

Mr. BRADLEY [*in his seat.*] Thank you! I know I shall get it if you recommend me.

Mr. SARBER moved that the Convention adjourn to 10 o'clock, A.M., of Saturday, February 1st.

The question was taken; and the motion was agreed to;

And thereupon, at 1.20, P.M., the Convention adjourned to 10, A.M., of Saturday, February 1st.

TWENTY-FIRST DAY.

SATURDAY, *February* 1st, 1868.

Convention met at 10, A.M.

Prayer was offered by the Chaplain.

The roll was called; and the following members answered to their names:

Messrs. Beasley, Bell, Bradley, Brashear, Brooks, Coates, Corbell, Cypert, Dale, Duvall, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Matthews, Merrick, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Moore, Norman, Oliver, Owen, Portis, Priddy, Puntney, Rawlings, Rector, Reynolds, Rounsaville, Sams, Samuels, Sarber, Scott, Shoppach, Sims, Smith, Snyder, Van Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President.

SICK: Messrs. Belden, Hollis, and Poole.

GRANTED LEAVE OF ABSENCE: Messrs. Hicks,* and Hodges of Crittenden.

A quorum of the members of the Convention having answered to their names:

The Journal of the preceding day was read and approved.

COUNTIES AND TOWNSHIPS.

No petitions being presented, and

Reports of standing committees being in order,

Mr. OLIVER, on behalf of the Committee, submitted the following

REPORT OF COMMITTEE ON COUNTIES AND TOWNSHIPS.

SECTION ONE. All counties and county-seats shall remain as they now are, until otherwise provided by law. *Provided*, no county shall have more than one county-seat, at which all circuit, county and probate courts, shall be held.

SECTION TWO. The Legislature may provide for organizing new counties, locating county-seats and changing county lines, but no county-seat shall be changed without the consent of a majority of the electors of the county, nor any county organized, nor the lines of any county be so changed, as to include an area of less than six hundred square miles.

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* By consent.

SECTION THREE. The Legislature shall provide for such county and township officers as may be necessary.

SECTION FOUR. All county and township officers shall hold their offices for the term of two years, and until their successors shall be qualified; but no person shall hold the office of Sheriff or County Treasurer for more than two consecutive terms.

SECTION FIVE. All county and township officers may be removed from office, in such manner and for such cause as may be prescribed by law.

C. H. OLIVER,
Chairman Committee on County and Township Organizations.

Mr. SARBER moved that the Report be referred to the Committee on the Constitution, its Arrangement and Phraseology.

The question was taken; and the motion was agreed to.

STATE OFFICERS OTHER THAN EXECUTIVE.

Mr. BRASHEAR, on behalf of the Committee, submitted the following

REPORT OF COMMITTEE ON STATE OFFICERS OTHER THAN EXECUTIVE.

SECTION ONE. There shall be elected, by the qualified electors of this State, a Superintendent of Education, who shall hold his office for the term of four years. He shall have the general supervision of the Common-School-Fund and educational interest of the State, and perform such other duties as may be prescribed by law. He shall communicate to the General Assembly, through the Governor, annually, the condition and progress of the common Schools in the State, and recommend such measures as, in his opinion, the educational interest of the State may require.

He shall receive such compensation as may, from time to time, be fixed by law, but which shall not be increased or diminished during the term for which he may have been elected, or appointed to fill an existing vacancy.

SECTION TWO. There shall be appointed, by the Governor of this State, a Commissioner of Internal Improvements, who shall hold his office for the term of four years. He shall have the general superintendence and direction of all public works in which the State may be interested, and perform such other duties as may be prescribed by law.

He shall communicate to the General Assembly, through the Governor, annually, the condition of the public works in progress, his views concerning the same, and recommend such measures as, in his opinion, the public interest of the State may require.

He shall receive such compensation as may, from time to time, be fixed by law, but which shall not be increased or diminished during the term for which he may have been appointed.

Mr. BROOKS moved that the Report be referred to the Committee on the Constitution, its Arrangement and Phraseology.

The question was taken; and the motion was agreed to.

RULES OF ORDER—AGAIN.

Motions, resolutions, and notices, being in order,

Mr. HINDS gave notice that on Monday, February 3d, he would move to amend Rule I, by striking out the words "two-thirds," and inserting, instead thereof, the word "one-half."

DISFRANCHISEMENT—AGAIN.

Mr. McCLURE presented the following resolution:

Resolved: That the Committee on the Constitution, its Arrangement and Phraseology, be, and are hereby, instructed to report an article to the Constitution, disfranchising all persons who oppose reconstruction; and that the act of voting against the adoption of the Constitution shall be conclusive evidence of the fact of such opposition.

Mr. BRADLEY presented the following resolution, as a substitute:

Whereas, It is understood that the resolution originated in an intention to embrace one man, who threatened to oppose the ratification of the Constitution, provided the door to amalgamation was left open; and

Whereas, For the good of the country, it would be better that one suffer than many:

Therefore, resolved: That the resolution be so amended as to disfranchise John M. Bradley, and nobody else.

Mr. McCLURE. I accept the amendment, so far as it applies to Mr. Bradley. I have no objection to his being made a special case; but I wish to have the resolution so expressed as to embrace all others in that class.

Mr. MONTGOMERY moved that the resolution and substitute be referred to the Committee on the Judiciary.

The question was taken; and the motion was agreed to.

DUTIES OF COMMITTEE ON RATIFICATION.

Mr. HOGE presented the following resolution:

Resolved: That the Committee on Ratification be, and they are hereby, instructed to report to the Convention, *instanter,* what action they have had, and what they understand to be their duties as such Committee, and for what purpose such Committee was created, if within their knowledge.

Mr. MONTGOMERY moved that the resolution be referred to the Committee on Ratification.

Mr. HOGE. I hope that action will not be taken upon this resolution; for I am tired——

The PRESIDENT. The motion to refer is not debatable.

Mr. CYPERT asked for the yeas and nays.

The yeas and nays were ordered.

Mr. SARBER. I ask for information: would not the reference to that Committee be equivalent to an adoption of the resolution?

The PRESIDENT. There is a considerable difference between the adoption and the reference.

The question was taken; and it was decided in the affirmative,—Yeas 45, Nays 18, as follows:

YEAS: Messrs. Bell, Brashear, Brooks, Coates, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hinds, Hinkle, Houghton, Hutchinson, Johnson, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Oliver, Portis, Priddy, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, Van Hook, Wilson, White, Williams, Wyatt, and the President—45.

NAYS: Messrs. Beasley, Bradley, Corbell, Cypert, Duvall, Gantt, Harrison, Hoge, Kyle, Matthews, Moore, Norman, Owen, Puntney, Reynolds, Shoppach, Walker, and Wright—18.

So the resolution was referred to the Committee on Ratification.

CONTINUANCE OF THE FREEDMEN'S BUREAU—AGAIN.

The unfinished business of the previous day, viz.: the consideration of the Report of the Committee appointed to memorialize Congress to continue the Freedmen's Bureau, until the State should be reconstructed, being in order,

Mr. MONTGOMERY said: As the Convention adjourned pending the few remarks which I was at the time making, on this subject, I desire, this morning, merely to occupy the attention of the Convention for a brief space, in order to review the statements and assertions made by gentlemen upon this floor, in the discussion on the motion to strike out of the resolutions submitted by the Committee, that part which——

RULES OF ORDER—AGAIN.

Mr. McCLURE. Some days ago, I gave notice of a motion to so amend the Rules as to change the order of business. I believe the proper time to introduce that motion, to be, at present. I wish to do that before the unfinished business is taken up.

The PRESIDENT. Does the gentleman from Hempstead [Mr. MONTGOMERY] give way?

Mr. MONTGOMERY yielded the floor,

Mr. McCLURE. I move that Rule XXIII be so amended that the special order of the day be made the first business after the reading of the Journal.

My object is, that the discussion of outside issues shall not take precedence when we have business to do. I have no objection to our turning ourselves into a lyceum, when we have nothing else to do.

The question was taken; and the motion was agreed to.

CONTINUANCE OF THE FREEDMEN'S BUREAU—RESUMED.

Mr. MONTGOMERY. As I was remarking, to the resolution introduced by the Committee an amendment was introduced, to strike out the declaration that in some portions of the State the freedmen could not obtain justice in the courts. It has been denied, on the floor, that there is any place in Arkansas where freedmen cannot obtain the same justice that can be obtained by white men. I might, if I would deal in individual instances, refer you to a case now under consideration in the Freedmen's Bureau, in this State,—a case occurring in Pulaski County,—where a freedman is now in durance vile, on the charge of stealing three bushels of potatoes. The bail-bonds, as the papers show, were fixed at one thousand dollars; and on the back of the paper was endorsed,—"Not to be bailed." Is that an instance of the justice meted out to freedmen in the State of Arkansas? Where is there a white man who would or could be dealt with in that manner? And during the litigation of that case,—or rather, during the recess between the preliminary examination and the court to which he is bound over to appear, and before his trial comes off in the court of final jurisdiction,—this man's property is seized to pay the costs—an unheard-of proceeding! For there is no judgment against him for costs, he is convicted of no crime, and the presumption of law is that he did not commit the theft. I need not say that under the law his property cannot possibly be sold to pay costs, until after the final conviction. Yet the horse which is his only means of making a livelihood, is seized, and his whole earthly possessions are sold for twenty-seven dollars! Is that the kind of justice that the courts of Arkansas are meting out to freedmen?

I happen to have further authority on this question, in the 24th volume of Arkansas Reports. It has been stated on this floor, that the citizens of a certain County in this State mete out, to all its inhabitants, justice, alike. I do not think that from that County there has been a case, of the same significance and importance, reported, where a white man was concerned, as that of a freedman, from the report of which I am about to quote. The case is that of *Milan* vs. *The State.* [So understood. The volume of Reports is not at hand when this sheet goes to the press.—Reporter.] The gentleman from White [Mr. Cypert] may possibly recollect the case, as I see, from the record, his name appears on the part of the prosecution, in one or two instances.

Mr. CYPERT. If my name appears on the part of the prosecution, it is an error, in some way. I was a witness for the defendant, in the case.

Mr. MONTGOMERY. The gentleman's name appears there, also:—I have read the whole record, in the Supreme Court.

Mr. CYPERT. I call upon the gentleman to show where I was connected, in any way, with the prosecution. I denounce the statement as untrue.

Mr. MONTGOMERY. I undertake to say it *is* true. [Mr. Montgomery read from the record of the case, to show the fact of Mr. Cypert's appearance as prosecuting attorney.]

Mr. CYPERT. That is entirely a mistake. I never was attorney for the State, in that District. There was one case, that of Isaac, a negro, in which I was appointed special State prosecuting attorney; but the case was never disposed of. Isaac's recognizance was taken by me, as special prosecuting attorney. I never acted as prosecuting attorney, in the District, in any other capacity.

Mr. MONTGOMERY. I do not desire to do injustice to the gentleman, or to any other gentleman. His name does not appear throughout the case, but in only one or two instances. Mr. Moody's name [so understood], appears as prosecuting attorney. It is in one or two instances during the preliminary proceedings, and not in the trial, that Mr. Cypert's name appears.

I desire to read from the Report. The offence charged was one of assault with intent to kill, as created by our statute. I read, at present, from the syllabus:

> "An assault, with intent to kill, as created by our statute (*Gould's Dig.*, *Ch.* 51, *part* 3, *art.* 5, *sec.* 1; *part* 10, *sec.* 5), is a felony; and an indictment for such offence must charge that the assault was made feloniously, *etc.*, and also that the intent was felonious, *etc.*
>
> "The record should also show the impanelling of the grand jury that found the indictment; and that the indictment had been returned into court by the grand jury. (13 Ark., 720; 19 Ark., 178.)
>
> "By the common law, challenges to the polls for cause, are for principal cause, or to the favor. If for principal cause—as where the matter imports absolute bias or favor—it is tried by the court on the testimony of the juror

to the exclusion of other evidence, and if found true, the law *per se* pronounces the juror incompetent. If to the favor,—as where it is supposed the juror is under undue influence or prejudice,—it is tried, under the direction of the court, by triers, on other testimony, to the exclusion of the oath of the juror; and the finding is conclusive unless the triers are improperly directed.

"The practice, as modified by our statute, is, that challenges to the polls, whether for principal cause or to the favor, may be tried by the Court, or by triers, at the election of the party challenging; if tried by the court, then on the oath of the person challenged; if by triers, then on other testimony; and if the challenge be for favor, then the finding of the court is as conclusive as if it had been determined by triers. (13 Ark., 720.)

"In view of the constitutional provision which guarantees to the accused a trial by an impartial jury, and of that purity and sense of justice which should characterize the administration of the law, a person who states that he would convict a colored man on less evidence than he would a white man for the same offence, should be rejected as a juror, on an indictment against a colored man."

Mr. CYPERT. I wish, on reflection, to correct myself. I remember that when this man was first indicted, Mr. Paget [so understood], of Independence County, was the prosecuting attorney.. He was in attendance on our Court. The defendant's recognizance was taken, to appear. He was never in jail. Mr. Paget drew the indictment, and, before the close of the term, asked me to represent him, in case anything demanding his attention should come up. It is possible I may have taken the recognizance, and that my name may appear in that connection, but in no way as prosecutor, further than that.

Mr. MONTGOMERY. I believe, sir, that is the instance in which the gentleman's name does appear.

I proceed with the reading of the syllabus:

"A witness, who had given evidence before the examining court in a criminal case, may be interrogated, on the trial, in relation to such evidence, for the purpose of laying a foundation to contradict him.

"Although an attorney is bound to withhold, and will never be compelled to disclose, any information, which he knows only through professional relations to his client, he may be compelled to testify against his client as to other matters."

[Mr. MONTGOMERY proceeded to read, from the brief filed by the plaintiff in error.]

These points are decided by the Court, and appear upon the written record of the case, in the Supreme Court. I should like to go over more of the case; but I will merely, for the purpose of showing how the jury was impanelled, read a portion, which exhibits a glaring violation of the law:

"It appears from the bill of exceptions, that in impanelling the jury who tried the case, the following jurors, namely: Henry Blevins, Henry Martin, Frank Gill, Samuel Neeley, Luke T. Hutchinson, Green Wright, Laban C. Elliott, Harrison Blevins, Charles Gillam, and Benjamin Bolton, were called; and who, after having been sworn on their *voir dire*, and examined by the Attorney for the State, were severally put to the defendant, who propounded to each of them the following interrogatory: 'Do you feel that you can act as a juror in this case, and decide it, according to the law and the evidence, with the same impartiality and want of prejudice toward the defendant, that you would if a white man were on trial?' To which they each answered: 'I DON'T THINK I CAN.' The Attorney for the State then put the following question: 'Don't you believe that you can go into the jury-box and do the defendant impartial justice, according to the law and the evidence?' To which each answered: 'I do.' Whereupon, the defendant's interrogatory was repeated, and answered as before. The defendant then propounded to the said Laban C. Elliott, Charles Gillam, and Harrison Blevins, the following interrogatories: 'Would you acquit a negro charged with an assault with intent to kill a white man, upon the same evidence that you would acquit a white man on a like charge?' To which, each answered: 'I don't think I could.' The juror, Benjamin Bolton, on further examination, was asked whether he had formed and expressed an opinion as to the guilt or innocence of the accused; and answered that he had, from rumor, but that the opinion so formed was not such as to prejudice his mind, though it would require evidence to remove it."

Yet, sir, these men, every one of them, were directed, by the *loyal* Court——

Mr. MOORE. Let us know how the Supreme Court disposed of that case.

Mr. MONTGOMERY. Yes, sir; I did so, in reading the syllabus, if the gentleman recollects it.

Mr. MOORE. I want the conclusion of the opinion of the court.

Mr. MONTGOMERY proceeded to read, from the opinion of the Supreme Court, in the case:

"The testimony of Haywood Branch, taken before the Examining Court and reduced to writing, was competent evidence on the trial, for the purpose of contradicting him—a foundation for the introduction of such evidence having been first laid as to that witness;—and the Court erred in excluding it. *Atkins* v. *The State*, 16 Ark., 868."

"Let the judgment be reversed, and the cause remanded for further proceedings."

Mr. MOORE [*in his seat.*] H'm!

Mr. MONTGOMERY. Some person, sir, has stated, upon this floor, that all the Judges of the State of Arkansas, especially those in the northern portion of the State, are entirely impartial. You will recollect that, upon the reading of the communication of a gentleman [Mr. L. Lamborn] exiled from this State to Illinois, this statement was put forth. Now, whether the Judge who sat upon the bench in this case was a lawyer, I do not know. Whether he erred from want of knowledge of the law, or from the prejudice he entertained, I do not pretend to say. I do not undertake to say that he had a prejudice. But I propose that the members of the Convention take this case, examine it, and decide for themselves that question. The jurors who tried the case, however, themselves admitted their prejudice to be such that they could not decide impartially—that they would not acquit a negro on the same evidence on which they would acquit a white man, upon the same charge; and yet the Court permitted a prejudiced jury, self-acknowledged to be such, to sit upon the case, in violation of law. Yet gentlemen can say a negro may obtain justice in all the courts of Arkansas!

So far as that branch of the subject is concerned, I do not desire to occupy the attention of the Convention longer. But some gentleman says the Bureau is in contravention of the principles of the Government, and in violation of the Constitution. It is singular, sir, and in revolving this question in my own mind I have often been puzzled to ascertain, how gentlemen so suddenly became in love with the Constitution. Like many of the acts during the war, this, whether Constitutional or unconstitutional, was an extraordinary measure, made necessary by the changed condition of the people of the South. I say, made necessary; and whether Constitutional or not, it was an absolute necessity to the people of the State. I well recollect that when I was detailed as Superintendent and Provost Marshal of Freedmen for the southwestern portion of the State, the people were glad to meet me; and during the time that I occupied the position, no man in the country knew that I had any politics, except that I was a Federal officer. Politics was not my game, in those times. Some gentleman says that if there must be a Bureau for colored people, it is absolutely necessary that there must be one for the whites,—or words to that effect. I do not object to a bureau for some of the white people in this country, provided that bureau has a sufficiently strong lock. I do not advocate this plan, so far as the majority of the people of my section of the State is concerned; for we do have people, there, who differ from me in politics, that can entirely divest themselves of prejudice. Nor do I accuse the majority of the people there,—even of the "White Man's Party,"—of an inability so to divest themselves of prejudice as to assist in meting out impartial justice. But there have always been a few outlaws, whose character, whose antecedents, and whose present lives, will not permit them to do justice either to the colored man or the white. So long as we have courts who will decide as in the reported case which I have read, so long must we have a Freedmen's Bureau, to protect the rights of the colored people.

Another gentleman [Mr. MOORE] says the Freedmen's Bureau is the worst calamity that ever befell the freedmen, except the fact of their emancipation. It is strange there are a few men left (I could not go among the "White Man's Party," to-day, and find one-third of its members, who are of that mind) who would vote for the re-establishment of slavery. But there are gentlemen, who, despite the admission of the vast majority even of their own party, will claim that emancipation was a calamity,—that because men are now given their rights, because they are now assured, by the Government of the United States, of the opportunity to pursue their callings, without molestation, for their own benefit, because they are assured of the enjoyment of life, liberty, and the pursuit of happiness, think they have encountered a great misfortune.

Mr. KYLE. I rise to a point of order. I submit the question whether the gentleman's remarks are in order. The question of slavery is not now under discussion; and I think the gentleman is out of order.

Mr. MONTGOMERY [Mr. McCLURE *in the chair.*] I think so, Mr. President.

The PRESIDING OFFICER. The gentleman will proceed, then.

Mr. MONTGOMERY. As we have more important business to attend to, I desire only to submit these few remarks on the question of the continuance of the Freedmen's Bureau. I will not detain the Convention any longer.

Mr. KYLE. Yesterday evening, I did desire to submit to the Convention a few words on the question then under consideration. This morning, however, I feel too feeble to make any extended remarks. The discussion that has taken place has been upon my motion to strike out so much of the Report as declared that the freedmen could not obtain justice in the State. Now, it will be observed that the whole discussion has proceeded as though the motion were for non-concurrence. That was not my motion. It was, to strike out that portion of the Report which declared that freedmen could not obtain justice in the State—in the courts of the State—that was the language. The Bureau, it will be remembered, is to be continued, under the present law, until the first of July; and I did not propose to vote, and would not vote, against the continuance of the Bureau, provided it be thought necessary for the protection of the people of the State. But I do hold that, so far as my observation goes, in Southwestern Arkansas there is no complaint, and could be none, with respect to a denial of justice, to freedmen, by the courts. Justice has been administered to them. I grant there may be a few isolated cases—or, rather, hen-and-chickens cases, if you please,—that may be adduced, to show that at Washington, in Hempstead County,—or in this place, where a negro has been charged with stealing a few sweet potatoes,—justice has been denied. But where is that array of talent and influence that is always ready, here, to defend the unfortunate freedman? Where is it? They could not come to the rescue of a poor negro who had stolen two or three bushels of potatoes,—or was charged with so doing,—to see that he should receive justice! It seems to me he might, and ought, to have had that assistance. As to the case from White County, adduced from the books, the decision of the Supreme Court, as read by the gentleman from Hempstead [Mr. MONTGOMERY], shows, most conclusively, that the Court reversed the erroneous decisions of the court below, and *did* mete out justice. I say, they *did* give justice. These jurors whose answer to the interrogatory put to them has been read, were most culpable. I do not think they were capable of being good jurors. I cannot speak for the State. It may be that it is necessary that this statement should appear in the Report; but I do not know it to be so, and I do not really believe it to be so; for I have knowledge of the transaction of the courts in the region of the State where I live, and I know there is no complaint on that score. My amendment went no further than to propose the striking out of that passage of the Report—not to oppose the continuance of the Freedmen's Bureau.

So far as regards the amendment of the gentleman from Chicot [Mr. MASON], who wants a more efficient set of officers in the Freedmen's Bureau, I accept that. I think that is well enough. I know that, where I live, the negroes complain they do not get justice in the court of the Freedmen's Bureau. Some of them thought, when I was elected to this Convention, that I was going to Washington City, and said to me, plainly, —"I wish you would get us rid of this Freedmen's Bureau." I was told so by many. The most intelligent, there, desire to get rid of the Freedmen's Bureau, and think they can stand alone. I told them it could not be done until after reconstruction. The Bureau may be necessary—I think it is necessary; and Congress will surely continue it until the State is reconstructed. I have only to say, in reference to the amendment which I proposed, that while I am not fully informed in reference to the manner in which justice has been administered, throughout the State, I know that the freedmen in my part of the country have had no occasion for complaint, and have made none. Hence, I submitted the amendment.

Mr. HINDS [*The* PRESIDENT *in the chair.*] I did not intend to have anything more to say on this subject. But as the gentleman from Dallas [Mr. KYLE] takes the position that the freedmen are not denied justice in the courts of this State, and as I have had some experience in that way, in this County, in which, perhaps, as little prejudice is manifested as in any county of the State, I desire to say so much as this. Many gentlemen are aware that negro testimony was excluded from the courts of the State, until a few months since. Right in the face of the Acts of Congress, requiring them to receive such testimony, the Courts of this County——

Mr. CYPERT. In order that the gentleman may have the opportunity of answering the suggestion, I call his attention to the fact that the laws of Arkansas, ever since it has been a State, have allowed negro testimony in a case where a negro was defendant and the State the prosecutor.

Mr. HINDS. I was speaking of the matter with reference to the question of giving the colored population equal justice with others.

I resume my statement, sir. Right here, at the Capital of the State, negro testimony was refused in the courts, but a few months since; and not until the Justice of the City Court was arrested for refusal to receive such testimony, brought before the United States Commissioner, and bound over to answer at the next term of the United States Court, has such testimony been received. Such was the public sentiment in this County, I may say, and the sentiment of the courts, certainly up to a very recent period.

Sir, it has been said that juries are prepared to give justice to the colored people, equally with the whites. I say there is a great mistake in that assertion. Such a prejudice exists, in the minds of the people, right here, at the Capital of the State, that they can *not* do justice to the colored population; and, the more effectually to prove this, I will recite the history of a case, as it actually occurred, before our City Court. An old woman, nearly seventy years of age, brought a civil suit against one of the citizens of this County, for seventeen months' labor performed. The case was submitted to a jury. There was no offset, and no discount. There was nothing in the case, but the naked question of an account for labor done. The evidence, given by three or four witnesses, was directly in favor of the plaintiff's claim. The testimony of all the witnesses corresponded, in every particular. The witnesses were not impeached. Their testimony went before the jury; the jury retired, and failed to agree. The case was re-submitted, to another jury, and with the same result; and still to a third jury. I will say, here, that the fourth jury did reach a result, upon that question, on which there was no ground for difference of opinion, by any man willing to do justice to the colored woman. And what was the result? The verdict brought in by that jury was,—No cause of action! That is the kind of justice that is meted out by juries in the Capital of the State!

Sir, I undertake to say that such a prejudice exists toward the colored population, that justice cannot be done to that unfortunate race. There is a necessity of having a power competent, to some extent, to meet cases where the people of the State are unwilling to do justice, or have no desire to do it. Prejudice! It is an incontestable fact, that in this County men have been turned out of house and home, simply for the reason that they voted the Radical ticket, as they call it. Many instances of that kind have occurred. Will the gentleman, with these facts staring us in the face, pretend to say that justice is meted out alike to the colored man and to the white, as it should be? No, sir; such a prejudice exists in the minds of the people, here, and, I believe, elsewhere in the State, that the colored population cannot have justice done them—at least, they do not. And until civil government is restored, until such government is established in this State, as will clothe the freedmen with the panoply of power, I undertake to say that justice cannot be administered to that people, in our courts. That alone can be the saving power. If this Convention shall give to them the same rights with those exercised by any other men, there will be no difficulty. But unless that is done, I undertake to say that such a prejudice will continue to exist, that these people cannot receive their just rights, before the courts.

The gentleman from Hempstead [Mr. MONTGOMERY] has referred to a case which occurred before a Justice of the Peace, a mile or two distant from this City, upon the other side of the river. I am informed that the facts are as the gentleman states them,—that the party placed under arrest, a colored man, was bound over, to the Court, for his appearance, in the sum of a thousand dollars, on the charge of stealing three bushels of potatoes! An execution has been issued against his property; and the property has been sold. It may be that some explanation can be presented, in that matter; but I have heard of none. I know the matter was brought before the Bureau, and that it still remains the subject of examination there. I know there are courts here; I know there are judges, before whom freedmen can receive justice. I undertake to say, however, that that is an exception to the general rule. Before the juries of this State, the same justice is *not* meted out to the colored population, that is given to other citizens. Nor can there be, in this country, with the prejudice that exists in the minds of the people, unless that population shall be clothed with the panoply of power and sovereignty, indispensable to that end.

Mr. CYPERT. I am sorry that such is the condition of our country, that prejudice,—I mean political prejudice,—sways the minds of men, to a very great extent. One of the great bulwarks against prejudice, that was established by the founders of our government, was that of the Judiciary. It was supposed that that branch of the Government could be kept apart from political strife and political prejudice, and that from it would emanate a purer essence of justice. But, unfortunately for our country, we have to some extent corrupted that branch of the Government, with politics; and whenever we travel outside of the Constitution, to establish a political Judiciary, we are sapping the foundations of civil government. If a political party is to constitute itself the judge of the law, if a political party is expected to mete out unbiassed justice to its opponents, it is a mistake. Human nature, under such circumstances, inevitably leads us astray. Just here is my serious objection to the continuation of the Bureau. That Bureau emanated from a political party. It is administered by officers of a political party, *alone*. And those officers are selected, and can be selected only, in a majority of cases, from the members of a single party. Hence, I might charge upon the Bureau an utter incompetency to mete out unbiassed justice to the *white* people of the Southern States. But I will not charge it, though I might do so with the same degree of propriety with which the gentleman [Mr. Hinds] makes his charge. It is unfortunate, I say, that these prejudices should creep into our courts of justice. But, sir, I will assert that the Bureau Agents can no more be divested of such prejudices, than can our courts. It is assuming that all the honesty of Arkansas, or of the Southern States, is embodied in a single political party, to say that the courts of the country are incapable of doing justice to any class. To say that any political party is alone capable of divesting itself of political prejudice, is to assume for themselves more honesty than the rest of the world. Now, sir, what kind of honesty do we find in all political parties? We find all parties, to some extent, using illegitimate means, for the promotion of their own prosperity. Possibly, sir, the gentleman from Pulaski, who last spoke [Mr. Hinds], may be to some extent possessed of this party prejudice. He may not be able to do his political enemy full justice. He, probably, like myself, does not know to what extent his political bias leads his mind. However, whether from political prejudice or not, there is a rumor, in this country—I am not responsible for the truth of it,—that a poor negro, who had been sentenced to the Penitentiary, in the State of Arkansas, was pardoned by the Governor, and that that pardon was kept, for weeks, in the pocket of the gentleman from Pulaski, without the release of the man. If I am incorrect, the gentleman will correct me—such is the rumor.

Mr. HINDS. I will correct the gentleman. The facts to which he makes allusion, are these. I procured a pardon for two parties, residents of Drew County,—an old man of seventy years of age, and his wife. After procuring the pardons, I sent for the man (who, it seems, had been given the limits of the City) several times, to have him come to my office and get his papers. He did not come, for several weeks; and when he did come (my friend Grey, I believe, was in the room at the time), I handed him his papers, and told him that when he felt able to pay me, he could do so. Those are the facts. My friend from Phillips [Mr. Grey], who was present at the time, is here, and, I believe, can substantiate my statement. I sent for the man, several times, before he came. It seems, he was inclined to like the Penitentiary, and had received such favors that he was not disposed to leave the Institution, during the inclement season of the year. [Laughter.]

Mr. CYPERT. Will the gentleman answer, at the same time, another rumor, coupled with the first;—that when the paper was obtained, the man was informed that if he would bring ten dollars, he could have the pardon?

Mr. HINDS. No, sir; I am not in the habit of charging ten dollars—that is a very small fee. [Laughter.]

Mr. CYPERT. Well, sir, the gentleman does not answer the question. But, to return to the discussion of the subject before us, I do maintain that the courts of the country are the proper sources of justice, and that when they fail to mete it out, we need not expect to attain it from political organizations. I believe the courts of our country are yet pure enough to mete out equal justice to every man. And I say that there are, among the people, prejudices, growing out of the political affairs of our country, that, but for the courts, would prevent the meting out of equal justice. Hence the necessity of giving to the courts entire jurisdiction of these matters.

The case tried in White County, referred to by the gentleman from Hempstead [Mr. MONTGOMERY], affords evidence of the truth of my statement. But for the interference of the Supreme Court of the State, in all probability, justice could not have been rendered, in that instance. But I will refer to some facts, in connection with that case; for I had a connection with it to some extent, though not as a prosecutor, further than as I have explained. I assisted in the examination of the witnesses for the defendant. I advised with the principal counsel for the defendant, as to the best course to be pursued in the defence. The defendant's attorney—the leading attorney in the case—who was one of the best lawyers in our County, saved every point in the case, in order to its determination before the higher tribunal. When those jurors showed themselves possessed of the prejudices which they admitted, they were, of course, disqualified. The error was, in a want of legal knowledge. That error was properly corrected, by taking the case to the proper Court of appeal, where the case was remanded back, for a new hearing. The result was, the discharge of the prisoner. But what was the condition, of the prisoner, during all this time? Hayward Branch was the prosecutor. Dr. Branch, his brother, when the prisoner was committed before the magistrate, gave bail for him, and continued responsible during two terms of the court, for his appearance; when the case was finally tried, the prisoner found guilty, and sentenced to ten years in the Penitentiary. He was still bailed, nevertheless, for his appearance before the Supreme Court; where he was ably defended, the decision reversed, the man got justice, and was discharged. I see nothing in the history of this case, certainly, to indicate that the courts of the country are not more competent than any political party, to decide questions of this nature.

Patrick Henry, once, by way of deriding the great populace, when looking at a crowd said,—"Behold the expounders of the Constitution!"

In the new era that is dawning upon our Government, I might say, of many whom we find placed in quasi-judicial positions over us,—"Behold the expounders of the Constitution!" If these be the expounders of the Constitution, I say we have no Constitution; for ignorance and vice are never capable of expounding a Constitution which was meant to be founded in justice. It is our duty to keep the courts as far as possible removed from political prejudices, to keep them as far as possible from the reach of the populace; for, as I have intimated, ignorance and vice inevitably creep into whatever has to do with political party. I am satisfied, from the remarks of gentlemen, that this is merely a political measure. Justice is not its object. What arguments are used in favor of the perpetuation of this Bureau?

Mr. HINDS. If the gentleman will allow me——

Mr. CYPERT. Yes, sir.

Mr. HINDS. I do not think any gentleman has referred to this prejudice as a political one, but as existing among the people—not as applicable to any political party. I do not think anything of that kind was said. I did not say it.

Mr. CYPERT. If the accusation strikes at the body of the people of Arkansas, I have to say that they certainly form a political party. It strikes at the masses of the people of Arkansas, and declares that they will not give equal justice. I contend that the courts of the country are the proper tribunals to mete out justice to individuals. And I contend that it has been urged, here, and so stated,—not in these words, however,—that it was for a particular purpose, and to satisfy a particular necessity, that this movement was desirable. What was that purpose? Until when do you propose to continue this Bureau? All the arguments have specified a particular time:—when?—until the ratification of the Constitution, and when a certain political party shall be inaugurated in power. "We expect," say gentlemen, "when the Constitution shall be inaugurated, that a particular political party shall be placed in power; and we want this Bureau, to aid us." I think that is the argument. A political party, then, is seeking to create a tribunal which will be a power in their hands, for political purposes. I assert that to be the case.

Sir, if I know myself, I would not ask the courts of the country to be of my political party. I may not know myself; but if I do, I would not ask that because men belong to my political party they should be made members of the courts of the country. I know we have, in this Circuit, a judge of my political faith; and he is esteemed by all parties; he strives, when upon the bench, to keep politics apart. I know such to be the case in other circuits. And I must say that gentlemen have not done the Judge of this Circuit justice; or else, they are very ignorant of their rights under the law, or they would have applied, in the case which has been mentioned, for bail for the prisoner, fixed at a reasonable amount. Justices of the Peace do not always understand what their rights are; and they sometimes commit errors. But there is a remedy. If a magistrate commits a party to jail, in default of an unreasonable amount of bail demanded, I, certainly, should petition for a writ of *habeas corpus*, and have him bailed in a reasonable amount, or, if wrongfully detained, released. If the statement be true, the parties have mistaken their remedy. All the delay that has taken place, has resulted from the application to the Bureau. A gentleman complains that a man, arrested for larceny, is to be held in durance vile, because he is not allowed bail. Why cannot the bail be had? Why, sir, owing, simply, to the delay resulting from the application to this new tribunal called the Freedmen's Bureau. Had you sued out a *habeas corpus*, you would have had your remedy immediately, and would have had justice meted out, by a man above all considerations of political party.

Why do I say that these Bureau Agents must necessarily come from a political party? Because, sir, they have to take oaths that not many of the citizens of Arkansas are able to take. Hence, they have to be imported, or to be selected from those who have always belonged to a particular political party in the State. The oath prescribed prevented me from acting any longer in that capacity. When the oath was sent me, I informed General Sprague that I could not take the oath, and that, of course, my connection with the Bureau would cease. And I repeat that not many men, not belonging to a certain political party in Arkansas, could take that oath.

I will ask if all these Bureau Agents do not in fact, belong, to a certain political party, and if they are not engaged as agents in the work of that political party in Arkansas. I think every one of them is in the service, and active agency, of that party. It would be very hard for me to say they were corruptly so. But I say that men do not know to what extent their political prejudices influence them. And for that reason I wish to keep these cases before the courts of the country, which are supposed to be more pure. The very case referred to by the gentleman from Hempstead, is the only argument I need, in order to bring before you the fact of the purity of the courts of the country, and that they offer the best opportunity, to all classes, to obtain justice. I have known cases of men being arrested by the Bureau, denied the writ of *habeas corpus*, and thrown into prison. I have known men to be put in the Penitentiary, and kept there for some months, by the Military Agency here, on conviction of a crime not known to the laws of the land,—of offences unknown to the statute-book, and unknown to the Common Law. For this new-fangled offence, a man was convicted, and sentenced to many months' labor in the Penitentiary; and it was not until a few days ago that he was released. I will refer to the offence charged. It was a great wrong, and a very foolish act,—a thing which, as a man, I would not tolerate; but unknown, as an offence, to the laws of the land. The man had an old United States flag, of his own. The Registration officers took that old flag, and hung it from their own window, to show the location of the office. The owner came along, took down the flag, and tore it up. Did you ever know that to be a crime, on the statute-books? Yet the man had to serve a term of months, in the Penitentiary, with hard labor, for that offence. I say, then, that these military tribunals do not always administer the law. They are arbitrary. The man to whom I have referred, not only suffered this punishment under the decision of the tribunals before which he was tried, but before his trial, was held, for months, in a guard-house, before he was tried. I opine that no man will say that these proceedings were in accordance with the law of our land. If law is to be overridden by political party, or by a particular branch of the Government, without regard to the power vested in co-ordinate departments, we might as well cease all efforts at free government, and agree that we have no law,—that we are either in the hands of a mob, a junto, or a despot.

Mr. HODGES, of Pulaski. I rise to request an explanation. If I understand the gentleman, he was unable to take the oath required of officers of the Bureau, and thus to be qualified to perform the duties of his office.

Mr. CYPERT. Yes, sir.

Mr. HODGES. Now, I would like to know how the gentleman could take the oath as a registered voter.

Mr. CYPERT. I will explain that. The oath required by the Bureau, was, that I had never sought, expected, or exercised the functions of, an office in any government inimical to the Government of the United States, and had given no aid or comfort to the rebellion. But the oath prescribed by the Registrars was, that I had never held an office under an oath to support the Constitution of the United States, and afterward violated it by going into rebellion. Do you see the difference?

Mr. HODGES. I would like to ask a question in regard to the Constitutional Convention of '61. Were the members of that body required to take any oath?

Mr. CYPERT. No, sir.

A MEMBER [*in his seat.*] Was it not an office?

Mr. CYPERT. They took no oath. It was not considered an office under the Constitution.

Mr. HODGES. Was it considered an office?

Mr. CYPERT. I do not know whether it was considered an office.

Mr. HODGES. I think that in the oath prescribed by the Reconstruction Acts, a man must swear that he has not held an office, and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to its enemies.

Mr. CYPERT. I know what the oath was. That is a question to be discussed elsewhere. I am responsible for what I did swear, at any time. I will state, to show every gentleman that I did not dodge the question, that I went before the Registrars, and stated the case fully. They hesitated, and asked time for advisement. I then made out my statement in writing, to be forwarded to General Ord,—setting forth that I had not held any office disqualifying me from voting, unless the fact of my having held the position of member of the State Convention which passed the Ordinance of Secession, could be construed as having constituted me a member of a State Legislature. It was decided, that that Convention was not a State Legislature, since the "Legislature" was a term distinctly defined by our Constitution, was a body composed of two houses, and requiring, as a condition of membership, certain qualifications. The Convention was a legislative body, I will admit; but the language of the oath was, a "State legislature."

Mr. HODGES, of Pulaski. I would like to ask whether the opinion of General Ord is better authority than that of Attorney-General Stanbery?

Mr. CYPERT. I do not know whether it is or not, sir. I presume that Congress left the determination of the question, upon information of the facts, entirely in the minds of the Registrars; and upon my statement of the facts, they decided that I was entitled to registration. I understand that to be the meaning of Congress. I did not wish to mislead the Registrars; and hence I filed my statement in writing, setting forth the facts.

Mr. HINDS. I would like to hear General Ord's opinion upon the subject.

Mr. CYPERT. I did not know what General Ord's opinion was. I know I was informed, by the Registrars, that I could register. I was told, however, by a gentleman, that General Ord, in reply to the question propounded to him, answered that the Registrars were competent judges —that they were their own judges on that subject.

But that is getting a great way off the question;—and, indeed, gentlemen have pumped a great many things into me, that I would not otherwise have let out; and if an unnecessary delay has been caused, the fault is not mine, but theirs!

I have but one more remark to make; and that by way of summing up my objections to the whole Memorial. That the Freedmen's Bureau, in my opinion, is not a proper tribunal to mete out justice, to any class: that the courts of the country are *in every* respect superior: and if, in advocating the continuance of the Bureau, gentlemen are seeking the attainment of political ends, then for that reason alone, if for no other, it ought never to be perpetuated by law. No measure ought to be forced on any people, that is merely to serve the purpose of a political party.

Mr. MALLORY. I move the previous question.

The vote was taken; and the Convention ordered the main question to be put.

Mr. KYLE. The Chair understands that the amendment of the gentleman from Chicot [Mr. MASON] has been accepted by myself?

The PRESIDENT. The question will be upon the amendment as amended.

Mr. MALLORY asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative,—Yeas 24, Nays 37, as follows:

YEAS: Messrs. Beasley, Bradley, Cypert, Duvall, Gantt, Harrison, Hawkins, Hoge, Kyle, Matthews, Merrick, Misner, Mason, Moore, Norman, Owen, Puntney, Reynolds, Rounsaville, Shoppach, Van Hook, Walker, Wilson, and Wright—24.

NAYS: Messrs. Bell, Brashear, Brooks, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Hatfield, Hinds, Hinkle, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Langley, Mallory, Millsaps, Montgomery, Murphy, McClure, Oliver, Portis, Priddy, Rawlings, Rector, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, White, Williams, Wyatt, and the President—37.

So the amendment was rejected.

Pending the call of the roll:

Mr. BEASLEY asked if a further amendment would be out of order.

The PRESIDENT. It would.

Mr. BEASLEY. I wish to except, from the operation of the amendment, the Freedmen's Bureau Agent in our County [Columbia.] He is a very gentlemanly man, and, I believe, metes out justice to all parties.

Mr. MOORE (when his name was called) was understood to say: I wish to ask if voting down the amendment will have the effect of representing, to the United States Government, that we do not want the officers of the Bureau to be honest and efficient men.

The PRESIDENT'S reply was not heard by the Reporter.

Mr. MOORE rejoined: Then I vote aye.

The vote was then announced as above.

The question recurring upon the adoption of the Report and Memorial, Mr. MONTGOMERY asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative,—Yeas 43, Nays 17, as follows:

YEAS: Messrs. Bell, Brashear, Brooks, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Merrick, Millsaps, Montgomery, Murphy, McClure, Oliver, Portis, Priddy, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, White, Williams, Wyatt, and the President—43.

NAYS: Messrs. Beasley, Bradley, Cypert, Duvall, Gantt, Hoge, Matthews, Misner, Moore, Norman, Puntney, Reynolds, Shoppach, Van Hook, Walker, Wilson, and Wright—17.

So the Report and Memorial were adopted.

Pending the call of the roll:

Mr. BEASLEY (when his name was called) said: A word, before I vote, sir. I hate to be dissected, in this style, before my friends. I am anxious to vote for the continuance of the Freedmen's Bureau; but I cannot vote for the Memorial, with the clause in it relating to the denial of justice to freedmen.

The SECRETARY. Mr. BEASLEY.

Mr. BEASLEY. No! That is BEASLEY's vote!

Mr. BRADLEY (when his name was called) said: Since we have voted that we do not want honest Bureau Agents, I shall vote No.

Mr. DUVALL. As we have the Bureau, now, and there seems to be a general complaint that the freedmen cannot get justice, I shall vote No, to see if they will not be able to obtain it in the civil courts.

Mr. GREY, of Phillips (when his name was called), said: I will simply state that I have no objection to the resolution calling for honest and efficient Bureau Agents; for God knows we want more of them; but as to the continuance of the Bureau, I am in favor of it; and hence I vote Aye.

Mr. HODGES, of Pulaski (when his name was called), said: As explanation is the order, I will say, that in order that colored men throughout the State may have ample justice, I shall vote Aye; and by-and-by I shall vote for the ratification of the Constitution, that they may have justice done them before the civil authorities.

Mr. HOGE (when his name was called) said: I wish to denounce that preamble as false, so far as regards my County [Washington.]—No.

Mr. MASON (when his name was called) said: I shall have to vote No. I am in favor of the continuation of the Bureau; but the Convention has decided that it does not want any more honesty in it; and under those circumstances I must vote against the Memorial.

The PRESIDENT. The Chair will state that that point has not been decided by the Convention.

Mr. HODGES, of Pulaski. I hope nobody has so little conception of the nature of the action which has been taken, as to understand the Convention to have voted that they did not want honest and efficient officers in the Bureau. It has been decided, simply, to pass upon the merits of the main proposition.

Mr. SARBER (when his name was called) said: I do not know that I can speak from a practical knowledge of the action of the Bureau in our State, as we have had no Agency in my own section; but having confidence in the ability and integrity of the Committee which has reported the facts, I will vote Aye.

Mr. VAN HOOK (when his name was called) said: As I know that the freedmen have had justice in the courts of my County, I shall vote No.

Mr. MASON. I believe I will change my vote, and vote Aye. [Applause.]

The vote was then announced as above.

IMPEACHMENT, AND REMOVAL FROM OFFICE—AGAIN.

The PRESIDENT announced as the business next in order, a special order of the day, being the consideration of the Report of the Committee on Impeachment, and Removal from Office.

Mr. SMITH moved that the Report be referred to the Committee on the Constitution, its Arrangement and Phraseology.

The question was taken; and the motion was agreed to.

BOUNDARIES—AGAIN.

The PRESIDENT announced as the business next in order, the consideration of a special order of the day, being the consideration of the Report of the Committee on Boundaries.

Mr. SARBER moved that the Report be referred to the Committee on the Constitution, its Arrangement and Phraseology.

The question was taken; and the motion was agreed to.

ORGANIZATION OF GOVERNMENT OF CITIES AND VILLAGES—AGAIN.

The PRESIDENT announced as the business next in order, a special order of the day, being the consideration of the Report of the Committee on Organization of Government of Cities and Villages.

Mr. MONTGOMERY moved that the Report be referred to the Committee on the Constitution, its Arrangement and Phraseology.

The question was taken; and the motion was agreed to.

AMENDMENT AND REVISION OF CONSTITUTION—AGAIN.

The PRESIDENT announced as the business next in order, the consideration of the Report of the Committee on Amending and Revising Constitution.

Mr. MONTGOMERY moved that the Report be referred to the Committee on the Constitution, its Arrangement and Phraseology.

The question was taken; and the motion was agreed to.

CONTINUANCE OF FREEDMEN'S BUREAU—AGAIN.

Mr. HINDS. I desire to say one word in explanation, in regard to the Freedmen's Bureau. So far as the Court of this Circuit is concerned, I wish to say that at no time has colored testimony been refused. Other courts, however, have persistently refused that class of testimony. I say this in justice to the Court of this Circuit.

ADJOURNMENT.

Mr. MONTGOMERY moved that the Convention adjourn to 10 o'clock, A.M., of Monday, February 3d.

Mr. CYPERT. I wish to give notice that, with a view to expedite business, I shall, on Monday morning, move that the Convention adjourn, *sine die*, on the following Saturday.

LEAVE OF ABSENCE.

By consent,

Mr. GANTT asked leave of absence for Monday, February 3d.

No objection being made,

Leave was granted.

LIMITATION OF DEBATE—AGAIN.

By consent,

Mr. WILSON gave notice that on Monday following he should move to restrict speeches to ten minutes each.

LEAVES OF ABSENCE.

By consent:

Mr. HUTCHINSON asked leave of absence for Monday, February 3d.

No objection being made,
Leave was granted.

Messrs. MONTGOMERY, EVANS, BROOKS, and DALE, respectively, asked leave of absence.

No objection being made,
Leave was in each case granted.

Mr. MOORE asked leave of absence for Mr. HICKS.

No objection being made,
Leave was granted.

ADJOURNMENT—RESUMED.

Mr. SARBER. As several gentlemen wish to be absent from the city, on Monday, I move, as an amendment, that we adjourn to 10 o'clock A.M., of Tuesday morning next.

Mr. CYPERT [*in his seat.*] No: let us meet, and try to go on with our business.

Mr. KYLE asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative,—Yeas 14, Nays 43, as follows:

YEAS: Messrs. Brashear, Gantt, Mason, Montgomery, McClure, Norman, Rector, Sarber, Shoppach, Sims, Snyder, White, Wyatt, and the President—14.

NAYS: Messrs. Beasley, Bell, Bradley, Brooks, Corbell, Cypert, Dale, Duvall Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Johnson, Kyle, Langley, Matthews, Misner, Millsaps, Moore, Oliver, Owen, Portis, Priddy, Puntney, Rawlings, Reynolds, Rounsaville, Sams, Samuels, Smith, Scott, Van Hook, Walker, Wilson, and Wright—43.

So the Convention refused to adjourn to Tuesday morning.

LEAVES OF ABSENCE.

Before the vote was announced:

Mr. MALLORY inquired of the PRESIDENT whether, after the number of leaves of absence granted, a quorum would remain, for the transaction of business.

The PRESIDENT. If not, the Convention will not hold a session.

Mr. SMITH. I may be here on Monday; but it is possible I may not; and I therefore ask leave of absence.

No objection being made,

Leave was granted.

Messrs. SARBER, DALE, and SIMS, respectively, asked leave of absence for Monday.

No objection being made,

Leave was granted.

Mr. MATTHEWS. I give notice that I shall object, if any other gentleman shall ask leave of absence.

Mr. WILLIAMS asked leave of absence for Monday.

The question was taken on granting leave of absence to Mr. WILLIAMS; and, a majority voting in the affirmative, leave was granted.

Mr. WYATT asked leave of absence for Monday.

Objection being made,

The question was taken on granting leave of absence to Mr. WYATT; and, a majority voting in the affirmative, leave was granted.

Mr. RECTOR asked leave of absence for Monday.

Objection being made,

The question was taken on granting leave of absence to Mr. RECTOR; and, a majority voting in the affirmative, leave was granted.

Mr. HINDS. It is now evident, from the number of leaves of absence granted, that there will hardly be a quorum present, on Monday: and I move that all the leaves granted be revoked.

The question was taken; and the motion was agreed to.

The question recurring upon the motion to adjourn to 10, A.M., of Monday, February 3d,

The PRESIDENT announced the question, and called for the vote, when Mr. BROOKS asked for a division of the question.

Mr. BRADLEY asked for the yeas and nays.

The PRESIDENT. The calls come too late.

The question was then taken; and the motion was agreed to;

And thereupon, at 12.45, P.M., the Convention adjourned to 10, A.M., of Monday, February 3d.

TWENTY-SECOND DAY.

MONDAY, *February 3d*, 1868.

Convention met at 10, A.M.

Prayer was offered by the Chaplain.

The roll was called, and the following members answered to their names:

Messrs. Beasley, Belden, Bell, Bradley, Brashear, Brooks, Coates, Corbell, Cypert, Dale, Duvall, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hollis, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Matthews, Merrick, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Moore, Norman, Oliver, Owen, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Reynolds, Rounsaville, Sams, Samuels, Sarber, Scott, Shoppach, Sims, Smith, Snyder, Van Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President.

ABSENT WITH LEAVE: Mr. Hodges of Crittenden.

A quorum of the members of the Convention having answered to their names:

The Journal of the preceding day was read and approved.

LEAVE OF ABSENCE.

Mr. DUVALL asked leave of absence till Thursday, February 6th.

No objection being made,

Leave was granted.

MESSENGER TO DISTRICT HEADQUARTERS—AGAIN.

The PRESIDENT laid before the Convention a telegram from Mr. HODGES, of Crittenden, dated Vicksburgh, Mississippi, announcing his arrival, in the capacity of messenger of the Convention, at Headquarters Fourth Military District, with a statement of the progress of his mission to the General commanding, respecting the payment, from the Treasury, of the sum appropriated to defray the expenses of the Convention.

ADJOURNMENT.

Mr. MALLORY presented the following resolution:

Resolved: That this Convention do adjourn until next Wednesday morning at ten o'clock, for the purpose of giving the Committees time to complete their work and report to this Convention.

The question was taken; and the resolution was adopted;

And thereupon, at 11, A.M., the Convention adjourned to 10, A.M., of Wednesday, February 5th.*

TWENTY-THIRD DAY.

WEDNESDAY, *February 5th*, 1868.

Convention met at 10, A.M.

Prayer was offered by the Chaplain.

The roll was called; and the following members answered to their names:

Messrs. Beasley, Belden, Bell, Bradley, Brashear, Brooks, Coates, Corbell, Cypert, Dale, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hollis, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Matthews, Merrick, Misner, Millsaps, Montgomery, McCown, McClure, Moore, Norman, Oliver, Owen, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Reynolds, Rounsaville, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, Van Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President.

SICK: Mr. Shoppach.

ABSENT WITH LEAVE: Messrs. Duvall, and Hodges of Crittenden.

A quorum of the members of the Convention having answered to their names:

The Journal of the preceding day was read and approved.

BANKING, AND CORPORATIONS OTHER THAN MUNICIPAL—AGAIN.

The special orders of the day, being, first, the consideration of the Report of the Committee on Banking, and Corporations other than Municipal, being in order,

Mr. HINDS moved that the Report be referred to the Committee on the Constitution, its Arrangement and Phraseology.

The question was taken; and the motion was agreed to.

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* NOTE. A colloquy ensued (the PRESIDENT remaining in the Chair), after the announcement of the vote of adjournment,—between Messrs. CYPERT and WILSON, and the PRESIDENT, respecting a proposition of Mr. CYPERT, for afternoon meetings of committees, and cessation of debate, with a view to the dispatch of business; Mr. CYPERT stating that he had endeavored to obtain the floor before the announcement of the vote.—REPORTER.

EDUCATION.

The special order of the day, next in order, being the consideration of the Report of the Committee on Education,

Mr. HINDS moved that the Report be referred to the Committee on the Constitution, its Arrangement and Phraseology.

The question was taken; and the motion was agreed to.

PENITENTIARY—AGAIN.

No petitions, and

No reports of standing committees being presented, and

Reports of select committees being in order,

Mr. McCLURE, on behalf of the Committee, presented the following

REPORT OF COMMITTEE ON PENITENTIARY.

Your Committee, after thorough examination, beg leave to submit the following Report in relation to the Penitentiary:

In the year 1859 the Penitentiary of the State of Arkansas was a non-paying institution—a thing that the State knew not what to do with. The General Assembly, at that time, when all articles of food and clothing were an hundred per cent. lower than they are now, by a joint resolution contracted as follows: "That the Governor be authorized to pay the said Alexander George and John Robins the sum of thirty-five cents per day for keeping the State convicts from the 25th day of January, 1859, until another contract be entered into, and that the Governor be authorized to draw such amount from the State Treasury."

This same act provided "That the Governor of this State be and is hereby authorized and required to contract with some suitable person, or persons, *upon the terms hereinafter stated,* until the year 1862, upon the best terms, to be paid annually into the State Treasury." The contractors were to give bond in the sum of $100,000, conditioned "that the said convicts shall be safely kept, subsisted, comfortably clothed, humanely treated, and, when sick, to be furnished with all necessary medicines and medical attendance and suitable diet for sick persons," from the date of the contract until the close of the session of the General Assembly of 1862, *free from all expense to the State.* This, from all your Committee can ascertain, was the first attempt to make the convict labor sustain the expense of subsistence. The General Assembly, in its arrogated wisdom, presumed that fortunes were being made by the contractors, and authorized the Governor to advertise for sealed proposals. The Governor advertised in every paper then in the State, for proposals, under the restrictions above recited; and, in the language of that official, "*not one single bid was made by any person or persons.*" Thus, it seems that in 1859 no person or persons could be found in the State, who would support and take charge of the convicts for their labor. The State, therefore, was compelled to pay the contractors about $17,000 per annum, to take charge of and safely keep the Penitentiary. This question, then, naturally arises: How can the present contractor, at the advanced rates now paid for everything, take a contract similar to that of 1859, and live? We confess ourselves unable to answer, unless the progress of invention, and economy in expenditures, are relied upon by the present contractor.

Your Committee, in reply to the interrogatories, state that the lease is for fifteen years. That it was a legal assemblage of men, called a General Assembly, your Committee have no doubt. Whether the General Assembly was opposed to reconstruction, is a question that may be answered by a recital of the following facts: 1st. They spent $10,000 in drunkenness and debauchery with Andrew Johnson at the city of Washington; which transaction your Committee regards with suspicion. 2d. They attempted by legislation to legalize "Confederate money" and "war bonds," that the poor of the State should be defrauded of their interest in the school lands. 3d. They squandered $269,000 of the money belonging to the State, in an extravagant and lascivious manner. 4th. They refused to adopt the proposed amendment to the Constitution, known as the XIV Article to the Constitution; and, in a manner better becoming brigands than legislators, treated the same with contempt. 5th. That they passed many enactments that, in the opinion of your Committee, no loyal body of men would do. 6th. That General Ord forbade them assembling, and thereby saved to the State an unknown amount of money, of which it would have been defrauded.

In the opinion of your Committee, the State of Arkansas have not loaned any money to the firm of Hodges, Peay, & Aliff. The sum of $38,275, that the State authorized the Auditor, Treasurer, and Secretary of State, to pay said Hodges, Peay, & Aliff is for work done under the provisions of the first section of the Act, and is not, and of right cannot be, called a loan; because the work and improvements are of a permanent nature and character, which revert to the State at the expiration of their lease.

As before stated, the sum of $38,275 above referred to, is to be paid to the said Hodges, Peay, & Aliff on the completion and repairs of certain unfinished buildings in the Penitentiary enclosure.

Your Committee find that the said contractors now have all the materials ready for finishing this, and that part of the work is already completed.

The work, so far as done, has been executed in a substantial and workmanlike manner.

In the condition the Penitentiary was when they took possession, prisoners were not safe, health and comfort could not be provided for, and shops in which to employ the necessary labor were not erected. This expenditure, in the opinion of your Committee, the State ought to have made. In addition to the sum of $38,275, said Hodges, Peay, & Aliff get $25 per cell for iron bedsteads, mattresses, and the necessary amount of clothing. At the time they took possession the State had no material of this kind on hand. By the terms of the lease these things belong to the State, and at the expiration of the lease are to be delivered to the State in good condition. The probable cost of this item will be about $5000 or $6000. Your Committee are therefore of opinion that this is not a loan, but, on the contrary, an advance by Hodges, Peay, & Aliff. In addition to the amounts heretofore enumerated, said Hodges, Peay, & Aliff are allowed seventy-five cents per foot for steam-piping furnished and used in heating the prison. The piping thus put up, after the expiration of the lease, belongs to the State, without further charge. The probable cost of this item will be about $8000.

Your Committee, after an examination of the prison, find that the building is of brick, and not well ventilated; that, in a country like this, where the atmosphere is damp, the prison would necessarily be injurious to the health of the convicts; dampness gathers to such an extent, in the prison, that heavy iron grates of the cell doors have actually rusted off. Therefore, your Committee is of opinion that the proposed heating apparatus will remove this state of dampness, and contribute to the health and comfort of the convicts, who, during all the cold and inclement weather, find themselves confined in cells, and without fire. The heat necessary to warm the building is furnished to the State by Hodges, Peay, & Aliff, free of charge.

For three years from the 7th day of February, 1867, Hodges, Peay, & Aliff receive thirty-five cents per day for guarding, subsisting, clothing, furnishing medicines, and all other expense not otherwise provided for. Your Committee do not regard the price paid for subsistence as extravagant; because, as before stated, the State paid, in 1859, the same price, for the same service, to George & Robins—at a time, too, when they had disciplined labor, and tools and machinery to employ it.

From the language of the law, and the terms of the contract, your Committee are of opinion that they have recited the only things that the State has in any manner agreed to become responsible, or pay for, to Hodges, Peay, & Aliff. Said contractors receive no other allowance, under the law or their contract. The sum of $38,275 for repairing and erecting new buildings for the State—and the sum of $5000 for bedsteads, etc., and the amount paid for steam-piping, estimated at $8000, and the entire amount paid for subsistence, by the State, to Hodges, Peay, & Aliff—is to be paid back to the State, by said Hodges, Peay, & Aliff, in five equal payments, commencing in the eleventh year of the contract, and ending on the fifteenth: thus, the State receives the buildings erected and repaired, the beds and bedding, etc., the heating apparatus and all moneys she may have expended, at the expiration of fifteen years; which, in the opinion of your Committee, is a saving to the State of about one hundred thousand dollars; we basing our opinion upon the cost of fifteen years before the war.

In the manufacturing now carried on, the Penitentiary is aided by the best and latest-improved machinery; and the articles made—chiefly boots and shoes—are of a kind and quality that will compare favorably with any in the United States; and the general result reflects great credit on the skill and enterprise of the contractors.

In the year 1866, in accordance with the report of the Board of Charities for the State of Massachusetts, we find the expenses stated for the management and sustenance of prisons in twenty-one States in the United States, none of which were self-sustaining. What the other States may have done, we have no knowledge; as the Board of Charities state that the reports of the other States could not be obtained for that year.

Said Penitentiary is in the possession of James L. Hodges, by purchase of the interests of Peay & Aliff, clothed with a full power of attorney to do and transact all business that of right ought to be done in compliance with the contract.

The mode of enforcing discipline in prisons, is one that has elicited much discussion, and without coming to any definite plan. The contractor engages the use of the labor for the purpose of deriving profit therefrom. Confinement in dark and badly-ventilated cells injures and destroys health, occasions loss to the contractor during the confinement, and does not always accomplish the desired end. All manner of punishment is to be deplored; but when we take into consideration that humane treatment is only due to those who deserve it, and that all others must be controlled by such means as will not result in loss to the State, or the contractor, and that discipline is necessary in all institutions of this kind, we are of opinion that the manner and mode of enforcing discipline, as practised in the Penitentiary at Little Rock, Arkansas, is not too severe. The means of enforcing discipline in many of the States of the Union, is—"dark cell, lash, iron jacket, shower bath, shaving the head, whipping, iron cap, bucking and yoke, crucifix, and confinement *on short rations* in a dungeon," which is but another mode of saying that convicts are *starved* into submission. Whipping has been resorted to, but, so far as we can ascertain, only to the extent that was deemed necessary to enforce discipline, compel obedience, and protect the interest of the State and contractors. The evidence of all parties agrees, that they have never known an instance in which a convict was punished unmercifully, or to such an extent as in any manner unfitted him for labor.

The kind and quality of food furnished is described in the evidence taken; which, summed up, amounts to about five and a-half pounds of wholesome food per day. The labor is not tiresome; and all evidence that we could procure does not show an instance of punishment for not laboring enough. The convicts were all warmly and comfortably clothed, cells and building clean, and apparently in good healthy condition.

Your Committee are of opinion that, so far as distinction on account of race, color, or previous condition is concerned, no such thing exists; but, on the contrary, believe that social equality and the rights of all parties are ascertained and determined by their action. Prisons are for the confinement and punishment of those who prey upon society and violate the laws; and as such, ought never to be made an expense to the State, that crime and its executors might revel in indolence and ease.

Your Committee herewith submit the evidence of Thomas Lindsay, W. E. McPherson, James Ard, George R. Weeks, Ralph Wilson, Andrew Matthews, Thomas Chappell, W. P. Ayres, John G. Halliburton, John B. Yoest, David Hill, W. T. McCullough, A. L. E. Noah, and D. H. Woodard; all of whom were duly sworn; also, a copy of the Inspection Report made by order of the

Commanding General of the 4th Military District; and an abstract of the number of prisoners on hand, received, and deceased, since 7th February, 1867.

[Here follows the testimony taken before the Committee; for which, see Appendix.]

JOHN McCLURE,
Chairman.

February 3, 1868.

Mr. BROOKS requested to have read the Report, regarding the Penitentiary, made to the General commanding the Fourth Military District.

The SECRETARY read the paper [for which, see Report of Testimony, in Appendix.]

Mr. BRADLEY. I notice that it is stated, in the Report, that in the condition of the Penitentiary in '59, it was impossible for parties to keep the contract and live. I suppose the Institution is in about the same condition now—that was the idea which it was intended to convey. There seem to have been two other contracting parties. I suppose they are dead, in consequence of having kept the contract, and that Mr. HODGES has survived. It seems everywhere, in this Report, to be implied that because the law has placed the convict in the Penitentiary, he is subject to the lash. When the punishment of the lash was inflicted on the negro, it was thought to be a great outrage; and I do not see why the convicts in the Penitentiary are liable to that punishment, because they are there by operation of the law, any more than the negro, who was in slavery by the operation of the law.

It seems to me, under all the circumstances, that the Report fails to meet the exigency of the case; and I move to refer it to a Committee on the last session of the Legislature of Arkansas.

The motion not being seconded,

Mr. BROOKS moved that the Report be adopted, and spread upon the Journals of the Convention.

Mr. CYPERT. I move to amend by striking out the title, and inserting instead, the words, "Report of the Committee on the Last Legislature." I wish to show that to be,—as it is,—the character of the document.

Mr. GANTT. I will ask the gentleman from White [Mr. CYPERT] to withdraw his motion.

Mr. CYPERT. I withdraw it.

Mr. GANTT. I move to make the consideration of the Report the special order of the day for Friday next; and I bespeak at the hands of this Convention, some opportunity for consideration of this question. I ask them not to hurry it through without discussion. It is right and proper that the Report should be considered in this Convention; and a little time would be serviceable to some of us who desire to address ourselves to the subject. I would ask it as a personal favor, independent of the fact that the careful consideration of this matter requires some little time.

I therefore move it be made the special order of the day for Friday next, at 10 o'clock, A.M.

Mr. McCLURE. The action of the Committee was all had under special instruction of the resolution. We have reported upon no fact not based in the requirements of the resolution itself; and in fact, if we had had time we might have elaborated a great many subjects on which we have only touched, in the Report. In compliance with one requirement of the resolution, the evidence was taken. We were further required to report to whom, by whom, and for what term of years, the contract was let, and if the original parties were opposed to reconstruction. I will ask the Secretary to read the instructions contained in the original resolution.

The SECRETARY read the resolution, as follows:

"*Whereas*, It has been represented that a contract for the lease of the Penitentiary House of the State of Arkansas for a long term of years, to wit: for the term of fifteen years, was recently pretended to be made by and from an illegal body of men, styling themselves the General Assembly of the State of Arkansas, to and with divers persons, said to be then opposed to the reconstruction measures of Congress, and hostile in feeling and sentiment to the Federal Government, which said pretended lease is said to have been accompanied with a loan of forty or fifty thousand dollars, taken, under some pretext, from the public Treasury, and with a grant of other and further extraordinary and unheard-of privileges, immunities, and franchises:

"*And whereas*, It is asserted by released prisoners and others that these pretended lessees, or some of them, being in possession of said Penitentiary building as aforesaid, are accustomed to use, in the infliction of corporal punishment, especially upon colored convicts, an instrument of torture said to be found only on a few plantations in the darkest days of slavery:

"*Therefore, be it resolved:* That a Committee of nine, two of whom shall be colored delegates, be appointed, whose duty it shall be to collect facts and proof, and to procure papers and persons, to be brought before the Committee on the Penitentiary, which Committee shall at once proceed to hear, investigate, and reduce to writing, the whole testimony in the case, and make their report for the further action of this Convention; which said report shall show how said Penitentiary was leased, by whom or to whom; in whose possession the same is, and how they came by it; and all other matters touching its management, the treatment of prisoners, &c.:—which said report shall be accompanied by the testimony so reduced to writing."

[Which resolution, on motion of Mr. MONTGOMERY, was referred to the Committee on the Penitentiary.]

Mr. McCLURE. It will be observed, from the language of the resolution, and the instructions received by the Committee, that they were expected to take cognizance of a great many things beside the Penitentiary, —the character and action of the last Legislature,—the nature of the lease,—and any other facts relevant to this contract. The Committee, in taking this evidence, was anxious to invite all parties who had or seemed to feel any interest in the matter, to produce witnesses; and no evidence was rejected that would anywhere have been esteemed competent.

So far as the adoption of the Report is concerned, I do not insist upon that. I am perfectly willing that it lie over until such time as any gentleman may wish, to enable him to discuss the question. We are not, on our part, in any haste. If it is desired to enter into any discussion of the action of the last Legislature, or the authority of the individuals then assembled here as a body of legislators, I am perfectly willing to enter upon that discussion, and, if necessary, to elaborate the Report in that respect.

Mr. HODGES, of Pulaski. I have no question that it will be proper to make the consideration of the Report the special order for another day, as suggested. I have, as being an interested party, carefully examined the questions propounded. I do not understand the Report to answer those questions. They recite certain things which, in their opinion, were done. Whether the opinion of the Committee, in regard to those facts, is correct, may, of course, be made the subject of question. They do not undertake to answer all the inquiries raised; claiming, I suppose, that they were unable to answer them—I do not understand that they took steps toward obtaining information, or forming a judgment, on all the queries suggested. Of course, however, it is well to afford an opportunity for the examination of all these matters; and I hope the subject will be made the special order for another day.

Mr. SARBER. I move, as an amendment to the motion of the gentleman from Prairie [Mr. GANTT], that the consideration of the Report be made the special order for Friday, February 7th, and that a hundred copies be printed for the use of members.

Mr. GANTT. I accept the amendment.

Mr. BROOKS. I most cheerfully withdraw my motion.

No objection being made,

The motion for the adoption of the Report was withdrawn.

Mr. McCLURE. Will that include the evidence, as well as the Report?

Mr. SARBER. Both.

Mr. GANTT. With the papers connected with the Report.

Mr. CYPERT. I presume that is the proper course to take. From the gentleman's [Mr. McCLURE's] request for the reading of the resolution referred to the Committee, coupled with remarks subsequently made, it seems to have been assumed that all the matters mentioned in the preamble to the resolution were in the nature of instructions to the Committee. There were no such instructions. The preamble gave no instructions whatever. It recited certain matters with a view to subsequently giving instructions; a report in the matter of which instructions, was to be presented by the Committee. The several items submitted to them for their investigation, were specifically set forth.

The PRESIDENT. Gentlemen will bear in mind that the motion to adopt is withdrawn, and that the question is upon the resolution to print one hundred copies of the Report, and make it the special order of the day for Friday, the 7th inst.

Mr. CYPERT. I know that to be the question before the Convention. I only wish to give an explanation, in answer to the remarks which have been made. There was nothing, in the instructions, that indicated a desire, on the part of the Convention, for any report on the subject of drunkenness on the part of members of the Legislature, or others, or their conduct, or association with other parties,—even with the President of the United States. The Report, in that portion, struck me, when I was reading it, as a very poor attempt at wit,—alluding to gentlemen having "spent money" "in riotous conduct" with the President of the United States!

The question was then taken; and the motion was agreed to.

LIMITATION OF DEBATE—AGAIN.

Motions, resolutions, and notices being in order,

Mr. WILSON, in accordance with previous notice, moved that Rule XVII be amended, by adding thereto the words,

"Nor shall any member speak more than ten minutes."

Mr. BROOKS. I suppose the honorable member designs that no member shall speak more than ten minutes, without leave of the Convention.

Mr. WILSON. I have no objection to that.

Mr. McCLURE desiring to present a report from the Committee on Finance, Taxation, Public Debt, and Expenditures,

The PRESIDENT stated that, by consent, the Report would be submitted after the motion pending before the Convention should be disposed of.

After some inquiry as to previous notice of the motion offered by Mr. WILSON,

The question was taken on the motion as amended; and the motion was not agreed to.

PENITENTIARY—AGAIN.

Mr. WHITE. I would say, as a member of the Committee on the Penitentiary, that Mr. MASON and myself have never heard that Report, before; and it contains some things which do not accord with our feelings. [Applause on the left.]

Mr. GANTT. I suppose the gentlemen will have time to prepare a minority report; and in order to enable them to do so, it might be made a special order for a subsequent day.

The PRESIDENT. The Chair would suggest, that it will be easy enough to attend to that when Friday shall arrive.

Mr. MOORE. Would it not be in order to move to have the minority report printed?

Mr. SARBER. I do not understand that there is any minority report before the Convention.

Mr. MOORE. There is an intimation that there will be one.

Mr. SARBER. It will be time enough, to attend to that, when it shall come up.

Mr. MASON. The gentleman from Phillips [Mr. WHITE] and myself do not know exactly when the Report should be presented.

The PRESIDENT. The gentlemen can present it whenever they think proper.

Mr. BROOKS. I suppose, if the minority wish to make a report, or present their views in any manner whatever, and if they desire further time for that purpose, that on Friday, further time will be given, of course.

FINANCES OF THE STATE—AGAIN.

Mr. McCLURE, on behalf of the Committee, presented the following

REPORT OF COMMITTEE ON FINANCE, ETC.

ON THE FINANCES OF THE STATE.

Your Committe on Finance, who were instructed to ascertain and report the amount of the present indebtedness of the State, and other facts embodied in the resolution, beg leave to report as follows:

25 State Bonds, of $1000 each, due January 1, 1887,	$25,000 00
Interest on same to January 31, 1868,	33,854 16
532 State Bonds, of $1000 each, due January 1, 1868,	532,000 00
Interest on same to January 31, 1868,	864,500 00
886 Real Estate Bank Bonds, outstanding, due October 26, 1861,	886,000 00
Interest on same to January 31, 1868,	1,440,750 00
500 State Bonds, of $1000 each, due 26th October, 1861,	500,000 00
Interest on same to 31st January, 1868,	822,500 00
United States money seized,—estimated at	250,000 00
Interest on same to 31st January, 1868,	102,500 00
Swamp Land Fund,	91,938 96
Internal Improvement Fund,	37,347 09
Seminary Fund,	7,260 81
Saline Fund,	4,633 13
	$5,598,284 15

The bonds thus issued are held as follows:

38 in trust for Smithsonian Institute by U. S. Treasury; 90 in trust for Cherokee Indians by U. S. Treasury; 116 deposited in the State Treasury by the Receiver of the Real Estate Bank; 500 in trust for Smithsonian Institute by U. S. Treasury; 52 in the U. S. Treasury to meet liabilities on land mortgaged to the State; 2 in the possession of the Receiver of the Real Estate Bank; 500 held by Holford & Co., bankers, London, England. The balance of the bonds are supposed to be held by parties in the State of New York.

"What is the present market value of our State bonds?"

In reply to this question, your Committee beg leave to state that the bonds of the State of Arkansas are not quoted in the market of any city in the civilized world. This is attributable to the fact, that in a period of nearly thirty years the State authorities have not provided for the payment of interest on her bonds. A system of financiering known only to thieves and robbers without conscience, prevailed to such an extent that their operations now cost the State the neat little sum of $5,104,604.16. Not content with impoverishing the State, desolating the country, and causing mourning at every hearthstone, we find these self-same men arrayed in hostility to the present reconstruction measures, hoping thereby to hide from public gaze and investigation the plunder and thefts of thirty years.

It is said that the North American Trust and Banking Company acted in bad faith toward the State, in selling $500,000 of the bonds to Holford & Co., of London, for which the State got $121,336.91. It may be true that *the State* did not receive a greater amount than the sum stated; but it does not follow that the *agents or individuals* who had these bonds in their possession received no more. Your Committee are of opinion that, if the truth ever should be known, it would appear that the expenses of the *agents of the State*, about that time, were much greater than their account sales of cotton would warrant.

"For what purpose these obligations were created, and what disposition has been made of the funds thus obtained?"

The bank was created for the benefit of certain individuals without capital, for the purpose of making large fortunes at the expense of the State: and in this respect we are of opinion that the bank was a success. It was of no use or benefit to the State; but, on the contrary, an injury, whereby she loses the sum of $5,104,604.16. The funds obtained for the bonds of the State, in the opinion of your Committee, were spent in rioting, debauchery, plantations, slaves, and secession.

"What are the present assets at command, with which to liquidate said claims?"

The State Bank has no assets. Two hundred and eighty persons mortgaged to the State 187,810 acres of land, to secure the State from loss by reason of the Real Estate Bank; but little or nothing has been realized, by the State, upon or from these mortgages. The settlement of the two banks has cost the State, for receivers, accountants, attorney fees, and the time of the Legislature, at least $500,000. By a report from the Receiver of the Real Estate Bank, it appears that there is, in his hands claims, property, and other property classified as "good," $507,020.91. If the process of indulgence and favoritism that has characterized collections for the past twenty years is continued, as a matter of economy the State had better receipt in full, and thereby save further expense. The State ought to institute vigorous collection laws for *her own protection*, and authorize the purchase of the lands by the State, provided the price paid did not exceed the amount of her mortgage. The lands mortgaged to the State are said to be valuable, and the greater portion improved; and if she held the title in fee, these lands could be appraised, and resold to *actual settlers* in small tracts, thereby allowing small capitalists to become freeholders in healthy and well-improved localities. This would invite immigration, increase the wealth of the State, and do much toward settling the unhappy condition of the country. Men are not coming here to buy the poor, uncultivated, lands, that now belong to the State; because, they can buy improved lands in other States. The fact that a majority of the fine lands in the State cannot be sold, even by the owners, because of liens they cannot remove, retards immigration, and drives it to other States. These valuable mortgaged lands are held by men who robbed the State of millions of dollars, and who are largely indebted to her to-day. Then, let the State pursue such a course as will compel them to disgorge their ill-gotten gains! Force this land into market, and you have accomplished a thing that will entitle you to the gratitude of the State for all time to come.

"*What general financial scheme has been devised and put in operation for the purpose of meeting said claims, and maintaining the public credit?*"

In 1861, the bonds then due, were held by the Treasury of the United States, and the only "financial scheme" devised or put in operation for their payment, was, secession.

The maturity of these bonds, and the fact that not one cent of interest had been paid for twenty years, was a thing that could no longer be kept from the people who had been so long deluded.

Having misappropriated and squandered the liberal donations given the State by the General Government, and having ruined and involved the State, it required no sacrifice of conscience to involve the people in civil war, if it would but divert the odium to which the leaders of the secession movement in the State were so justly entitled.

To-day we find the men who have been guilty of these most atrocious crimes, with the insidious smile of an Iago appearing before the public as the advocates and defenders of the "White Man's Party;" appealing to the prejudice of two and a-half centuries, to perpetuate the concealment of robberies, seldom seen, and never excelled, in the history of the world!

For years the levy of the State tax was light; the people thought that the government was well and economically managed.

By letting the bonds run for twenty years without paying any interest, and the people not seeing any appropriation for payment of interest on these bonds, in the disbursement of the public funds, it is not strange that they forgot the indebtedness of a prior generation. This delusive system, and the continual boast of gold in the Treasury, lulled all suspicion or inquiry until the fatal day; and then came rebellion, and the disasters that are being felt throughout the land.

Crime may prosper and riot for a time, but the avenging hand of a just God has now overtaken them; and the retribution of sorrow and suffering visited upon the people, is a lesson all should heed.

In relation to the school-fund, we refer to the Report of the Auditor of State, hereto annexed:

AUDITOR'S OFFICE,
LITTLE ROCK, ARK., February 1, 1868.

TO THE CHAIRMAN OF THE FINANCE COMMITTEE—*Sir:*

* * * * * * * * * * * *

The only school-fund the State ever had, was, the proceeds of the sales of the Saline lands, and the seventy-two sections of Seminary land. This fund was distributed, from time to time, among the counties, for common school purposes, under Acts of 5th January, 1849, and the 11th January, 1853. In April, 1861, there was belonging to that fund, in the hands of the State Treasurer, the sum of $4573.24, of which the sum of $1348.50 was distributed among the counties, and the balance, $3224.74, was placed in the hands of W. H. Etter, as agent of the State, with which to purchase medicines, etc. The goods purchased were lost between Brownsville and San Antonio, Texas, in May or June, 1865.

* * * * * * * * * * * *

Respectfully, W. R. MILLER,
Auditor of Arkansas.

Mr. MALLORY moved that the Report be laid upon the table, that one hundred copies be printed for the use of the members of the Convention, and that it be made the special order of the day for Saturday, February 8th.

The question was taken; and the motion was agreed to.

INVITATION TO LADIES.

Mr. SMITH offered the following resolution:

Whereas, It has been customary heretofore for the ladies to attend the sessions of deliberative bodies in this Capitol;

Therefore resolved: That the Convention cordially invite them to favor this body with their presence.

Mr. GREY, of Phillips, moved that the resolution be further amended by the addition of a provision that the necessary arrangements be made for their reception.

The question was taken; and the amendment was agreed to.

The question was then taken on the resolution as amended; and the motion was adopted.

MILEAGE—AGAIN.

Mr. SIMS offered the following resolution:

Resolved: That each member of this Convention shall certify, on honor, to the Secretary, the actual number of miles travelled by the most practicable route furnishing public transportation in coming to the Convention.

The question was taken; and the resolution was adopted.

THE REPORTS OF STANDING COMMITTEES.

Mr. EVANS offered the following resolution:

Resolved: That all standing Committees not having heretofore reported to this Convention, be, and they are hereby, severally instructed to hand in their respective reports to the Committee on the Constitution, its Arrangement and Phraseology, at the earliest possible moment.

Mr. CYPERT. I want to understand that resolution. Does it require the various committees to hand their reports directly to the Committee on the Constitution, its Arrangement and Phraseology, before referring them to the Convention?

The PRESIDENT. Such as are not already handed in.

Mr. CYPERT. I desire to have the proposition distinctly placed before the Convention, for the reason that in the case of one committee it is understood that there will be two reports.

The PRESIDENT. To which committee does the gentleman refer?

Mr. CYPERT. That on the Elective Franchise. I would not like to have the Minority Report go to a committee where it could never be properly disposed of in any way.

The question was taken; and the resolution was not agreed to.

INTERMARRIAGE OF THE RACES—AGAIN.

Mr. HINDS offered the following resolution:

Resolved: That this Convention is utterly opposed to all amalgamation between the white and colored races, whether the same is legitimate or illegitimate. We would therefore recommend that the next General Assembly enact such laws as may effectually govern the same.

Mr. BRADLEY. I shall certainly oppose the adoption of that resolution. I do not want to say any more, on that subject, than we have already said. But I am very unwilling to have a wad of raw cotton placed in my mouth, to chew on, while the people are swindled with false pretences. What have we to do with instructing the future Legislatures? We have nothing to do with them, except to insert in the fundamental law of the land a basis upon which they may predicate their action. There is no other earthly reason for our being here to-day, except to settle every part and particle, every word and syllable, of the negro question. But for that, we would never have been here. There never would have been a Military Bill passed, but for this question. And if the Convention is unwilling to fix the true status of the two races, I will vote against requesting the Legislature to pass such a law as is here contemplated. It is just as likely as not, that the Legislature to which it is proposed to refer the consideration of this subject, will emanate from as extreme a Radical source as this Convention. I here enter my protest against the resolution, as another species of the demagogism that constantly emanates from that inexhaustible source.

Mr. HODGES, of Pulaski, asked for the yeas and nays.

Mr. HINDS. I wish to say a word on the resolution offered. I expected, as a matter of course, that the gentlemen on the other side of the house would unite with us in at least one proposition before the close of the session; and I must say that I am very much surprised that the gentleman from Bradley [Mr. BRADLEY] should oppose a measure which I supposed him, a few days ago, to be defending. The resolution declares, simply, that the Convention, as such, is opposed to the amalgamation of the races, whether the same be legitimate or illegitimate, and that we recommend the enactment of such laws as will more effectually prevent the same. I am surprised, I repeat, that the gentleman should place himself in opposition to the resolution. So far as this side of the house is concerned, they favor a resolution of that kind, I am satisfied; and I supposed it would not be opposed, at least by the gentlemen opposite.

Mr. BRADLEY. I wish to set myself right. I am not contradicting, at all, the position that I took the other day. If the gentleman [Mr. HINDS], and the other gentlemen on that side of the house, are opposed to miscegenation and amalgamation, as is asserted, I would like to know why it is that they cannot lay down a plank on that subject, now, instead of leaving it to future legislation. If he were sincere in his opposition to miscegenation, he would not propose to make the Legislature, over which we have no jurisdiction,——

Mr. BROOKS. I rise to a point of order. It is not in order for any gentleman to reflect upon any other gentleman's motives—his sincerity or insincerity.

Mr. BRADLEY. The gentleman accused me, the other day, when I introduced a certain resolution, of coming here to throw a firebrand into the Convention; and he now calls me to order for questioning gentlemen's motives. Was not that questioning motives?

Mr. CORBELL offered the following resolution, as a substitute for that before the Convention:

Resolved: That this Convention do insert a clause in the Constitution, which will forever prohibit intermarriage between the white persons and negroes or, persons of African descent; and that they vote *instanter*, and the adoption or rejection of this resolution, as the case may be, be called for by yeas or nays of the members of this Convention.

Mr. KYLE. I propose, in lieu of both the original resolution and the substitute, the following

ORDINANCE.

Be it Ordained by the people of the State of Arkansas in Convention assembled: That the amalgamation of the white and African races is contrary to nature and the law of God.

Therefore, The Legislature shall pass such laws, with suitable penalties, prohibiting and punishing persons solemnizing such marriages, as well as those persons contracting them, in this State.

Which was read a first time.

Mr. HODGES, of Pulaski. I do not know but that would be a very good ordinance; but it seems that its doctrines must admit of some exceptions; for I think, from some appearances, that the practices denounced *have* been in accordance with nature.

Mr. CYPERT inquired if the substitute was amendable.

The PRESIDENT replying that the Chair so considered it,

Mr. CYPERT said: In lieu, then, of the direction or command to a future Legislature, I move that the Committee on the Constitution be hereby instructed to incorporate into the Constitution a clause prohibiting amalgamation of the races.

We can have no control over a Legislature, except through the provisions of the Constitution which we may frame. Our instructions to them would be nothing.

Mr. GREY, of Phillips. I did think I would offer a substitute for the whole of the propositions before the Convention. In looking at the matter from my point of view, I am sorry to find that the question seems to be one of so much importance to gentlemen, that it should become a bugbear at this late day, after the history of the past two hundred and fifty years. It seems that some of our sages have made some extraordinary discoveries, in their investigations of the last few years, in regard to the laws of God on this subject; and having broken those laws, I should think they ought first to repent, before proposing any amendments!

As far as the intercourse between the races is concerned, there is no gentleman here, whatever may be his opinions, that objects to it more strenuously than I. I am willing that you shall make any enactment on the subject, outside of the organic law; but, sir, let that be, *equality before the law*. Do not touch that sacred instrument, by inserting anything that indicates class legislation, anything that puts in an entering wedge that may hereafter split the whole concern into a thousand pieces. (I presume I saw an indication of it, the other day, in the papers!) You find nothing of the kind in the constitutions of the Northern States; and yet their legislatures enact laws against such evils, and those laws are carried out, and executed. I cannot see how it is possible that what does for other States, whose experience in this matter, I suppose, is as good as our own, cannot be taken as precedents, by us. Why is it necessary that the organic law of the land should contradict the very purpose for which we are assembled? If this Convention means to come up to the standpoint of the people that they represent, if they intend to be true to their constituents, in giving equal rights to all, before the law, let that be done in the organic law of the State. Let that law give freemen perfect equality, before itself; and if it is necessary,—if the danger is so imminent, that the two races will collide and come together, that the one will lose its beautiful color (or, rather, that the two extremes shall be turned into some color—for I hold, with some philosophers, that neither black nor white are colors, but the extremes of all colors),—the Legislature, meeting here from time to time, may enact such laws as may be requisite. In regard to laying down the line of demarcation, as proposed in the resolution offered by the gentleman from Pulaski [Mr. HINDS], expressing our disapproval of miscegenation, and declaring that the Legislature here assembled after the ratification of the Constitution, shall make such laws as they see necessary, for its prevention, be it legitimate or illegitimate, I am willing that such should be the case. But I am utterly opposed to the insertion, into the Constitution, of any piece of prejudice that shall give evidence that men have not outgrown their swaddling-clothes. The pride of race has been sufficient heretofore. In twenty-six States of the Union, they see no necessity of incorporating any such provision in the organic law. How is it possible, with these examples before them, for gentlemen to see the necessity of the adoption of the proposed feature in our Constitution? If equality before the law is such a bugbear, if gentlemen think it includes social equality, and if no amount of reading or logic can separate the two things, in their minds, why then I have to say, as I have said before,—if I get anything, I want the full bill paid, and I will give a receipt in full. I want equality before the law; and I do not propose to abate one jot or tittle of that. If gentlemen do not think it time to pay the debt, then postpone the payment until we can get it. I think this is a side issue; and we have been misused and abused by these side issues, North and South. They may serve a purpose, for the production of campaign documents; but I do not think they come up to the measure of statesmanship. If we propose to make an organic law upon the solid adamantine foundations of justice, upon the basis of equality before the law, and rights for all men, let us do so. If we are to higgle upon the forty-ninth corner of a Constitutional hair, and to pander to the prejudices of a few voters who have not been educated up to the present point of enlightenment, these gentlemen have a right to wait—they have a right to vote for or against the Constitution. If they can see anything, in the Constitution, that encroaches upon their privileges, as honest men they have the right to vote against it. It seems to me that at this day it is not an argument that should be brought before a body like this, by men representing the talent of the people of Arkansas, men of proved valor, and patriotism, approved on many a well-contested field, and in the forum as well. Yet such men as these are now afraid of miscegenation from four millions of negro slaves! When those people were in their houses, enjoying the privileges of the inner courts of their temples, as it were, then there was no danger of miscegenation; but now, because, in the progress of the nineteenth century, the negro has come up from the substratum, and claims, in the sentiment of the world, a place among men, we propose to lop off, little by little, here and there, those rights which they have at length obtained! I do not believe there is any more danger of social intercourse between the two races, than between the nobility and peasantry of monarchical governments. There is no more danger of such a thing taking place here, than of a noble of Russia marrying one of his serfs. And I believe, to-day, that it is simply prejudice that can induce the fear; I believe it is a hobgoblin, that is held up before gentlemen's minds, that if they stand up and maintain the equal rights of all men before the law, and fail to insert in the organic law of the land a line of demarcation, to tell where one man's privileges shall cease and where another's shall begin,—their people, their constituents, will not support them. I am willing to trust to the good sense of the American people. I believe there is sufficient intelligence among them, to discriminate properly. And if the Legislature, of whatever element it may be composed, shall be largely composed, as it will be, of white men, at least, and your own people,—however radical its members may be, I do not believe that body will contain white men who will in any way favor the amalgamation of the races. Blood is thicker than water—the tie of consanguinity may be depended upon, I think. Whatever may be gentlemen's opinion, they can at least trust their interests, in this regard, in the hands of white men. Let the Legislature make such a law as is desired: let it not be incorporated with the organic law of the land, for that would at once deny the assertion that you give equal rights, before the law, to all men.

Entertaining these views, I shall vote against the insertion, in the Constitution, of any such clause. Make your recommendation to your Legislature—you have a right to do so; but do not encumber your Constitution with any such provision.

Mr. KYLE. I wish to hear the amendment of the gentleman from White [Mr. CYPERT] read.

The SECRETARY read the amendment offered by Mr. CYPERT.

Mr. KYLE. I do not see much to object to, in the amendment.

But, sir, whilst on my feet, I must be allowed to controvert, to some extent, the position assumed by the gentleman from Phillips [Mr. GREY] in assuming that there is no necessity for inserting in the organic law any provision upon this subject, but that any Legislature may take the question into consideration, and may legislate properly in regard to it, so as to prevent the intermarriage of the races. The latter proposition, I hold to be true. I believe the Legislature will have the power that all legislatures have, the power of legislating upon questions of that nature, looking to the better organization of society, and the correction of the evils that exist in society. But whilst I believe that, I do believe, also, that it is necessary for us to do something here, in this connection, requiring the Legislature to take the subject into consideration, and to pass such laws, with suitable penalties attached, as may be necessary in order to prevent the amalgamation of the races.

Gentlemen suppose amalgamation to be a thing so repulsive in its nature, that it will take place but very rarely; and some gentleman I heard assert, here—

Mr. HODGES, of Pulaski. I wish to ask the gentleman a question. Supposing we pass such a law, in this State, as he desires; will that reach other States?

Mr. KYLE. No, sir.

Mr. HODGES. Suppose a person should go to another State, marry, and return here—what shall we do? Shall we prohibit immigration to the State?

Mr. KYLE. Yes, sir; such persons ought to be so prohibited.

A MEMBER [*in his seat.*] You are right! [Applause.]

Mr. HODGES. Would such a Constitution be republican in form?

Mr. KYLE. Yes, sir; it *would* be republican in form, in my estimation. Sir, a great deal has been done for this race of people. They have been taken from the bonds of servitude, and made free. I myself say Amen to it. I am in favor of all that; and I would do nothing in the world that would re-enslave them. I have said and done everything looking to preserve their peace and rights. I have said it was right to make them equal in the courts of the country. I have said,—Give them their political rights. I will vote to give them their political rights; with suitable qualifications on their vote, as well as on that of white men, hereafter, if they are not properly qualified to vote. I have a proposition prepared, which I propose, at a suitable time, to offer. But as for saying that they must be brought up upon an equality, socially, with the white race, I never will give my assent to it. And to say that there is no danger of that, is going a little too far; for my own observation has been, within the short time that they have had their liberty, that it is the highest climax of their aspiration, to come up, *socially*, on an equal footing with the white race. To use their own language, which I have myself heard from some of them,—"*the bottom rail has got to the top.*" I have myself heard that sort of language, among them; and although they were ignorant, and I knew they were liable to run into excess, and make mistakes, and I could therefore well overlook things of that kind, yet it is true that this state of feeling exists. Gentlemen have asserted, upon this floor, that they had no fear of their parlors being coarsely intruded upon by gross citizens of a different race. Neither have I any fear of mine being intruded upon. None at all; for I hope I have raised my family in such a way that an intrusion from one of those colored persons would be repelled at once. And the very circumstances that surround some families, and the society in which they have walked, and the tone of which characterizes them, repels, at once, any approach on the part of such individuals. But, sir, where are the unfortunate—where are the helpless creatures, the inhabitants of the hovels scattered about over the country—the "poor white trash," if you please, as they have been styled by some? Who is it that is to protect *them* from further social degradation. They are unprotected. And we know that fortune is fickle. These colored people will acquire popularity, they will acquire money, they will acquire lands, after a while, and position in society. The very fact of the first-named acquisitions will give them position in society; and they can insidiously make their advances to these unfortunate and helpless persons, and, by the use of their power, can mislead and misguide them, into error and folly; and, indeed, such an occurrence did take place in my own neighborhood, last Fall, within eight miles of my present home. A negro who had been in the employment of a certain man, misled an unfortunate step-daughter of his employer, a girl who had been raised not as my daughters, I trust, have been, or the daughters of gentlemen whose parlors would repel such associations. This negro started to run away with the unhappy girl, and did actually take her from her father's home; but he was pursued by a dozen men, and his bones lie bleaching, to-day, in Leaufraite Bottom. [Applause on the left.] Sir, if the doctrines which we have heard advocated here, of antagonism to any such prohibition as is asked, shall prevail, it will lead to occurrences of this sort.

The people expect this Constitutional Convention to take some direct action on the subject. They expect the question to be referred to the proper legislative authority, with a binding injunction, upon that body, to provide for the punishment of all persons entering into such marriages, and of those who shall solemnize the contract. The public mind is agitated upon this subject. Why, sirs, do we want our Constitution adopted? I hope we do. We want to go out before the country as having done our duty, and framed the best instrument that we could,—one that should commend itself to the good sense of the people, one that should so recommend itself as to secure its adoption by the people, and secure to us a State government that will possess some permanency; for in all governments, it is their permanency that gives security to life, liberty, and property. And unless we shall place ourselves upon the basis of these principles, where can this element of perpetuity be found? Can we secure the ratification of any constitution that shall disappoint these expectations of the people. No, sir; we cannot. And for the sake of obtaining the ratification, by the people, of the Constitution, we ought to cease quibbling about this and that measure being essentially desirable, and, especially on a subject where the people believe, and, as I think, rightfully believe, there is danger, insisting upon it that there is no danger.

Sir, human nature is the same to-day as it was six thousand years ago —the very same. Arouse the passions of men, and what are they? Why, sir, look back at the late rebellion, and see what enormities have been perpetrated by mankind. I say, to-day, fearless of contradiction, that man, possessing reason, is the most unreasonable creature of which we have any knowledge. Brutes are true to instinct and nature; but man, when his passions are aroused, and unrestrained by the grace of God, is the meanest creature that walks the face of the earth. There must be some restraining influence thrown around men, both black and white. I say I believe it is contrary to nature, and to the laws of God, that an amalgamation of races should take place. I do not wish to consume the time of the Convention in an argument to show the grounds of this belief; that is a species of argument that I do not wish to introduce here. But I repeat, that while I am willing to give the black man his rights, civilly and politically, I say there is a line of demarcation—to use the language of the gentleman from Phillips,—that sufficiently separates the races; and they should be kept separate and apart, so far as the restraining influences of law will go. And whilst I have not a great deal of objection to the amendment of the gentleman from White [Mr. CYPERT], I would rather have adopted the Ordinance which I offered; and I shall insist upon a vote on its adoption.

Mr. CYPERT. I do not wish to present any argument in addition to what the gentleman [Mr. KYLE] has said. He has elaborated the subject more ably than I can; but for the satisfaction of his mind, I will show the effect which I wish to produce by the adoption of the amendment I have proposed. The Constitution will provide that marriages between the parties shall be illegal. It follows, as a necessary consequence, that the Legislature shall provide the necessary penalties for enforcing the prohibition. It is not proposed that the Constitution shall provide penalties. That instrument will declare the cohabitation illegal; the penalties will thereupon be provided by the Legislature.

Mr. GREY, of Phillips. Allow me just one word, in answer to the remarks of the gentleman from Dallas [Mr. KYLE.] As usual, I find the whole sentiment upon the subject to turn upon one point. The gentleman himself admits he is entirely out of the reach of any such influences as those which he deprecates; and all intelligent men are in the same situation. He claims this proposed provision of the Constitution for the poorer class of white men. Let me read from a little memorandum that I have here, in regard to the legislation of Virginia, respecting this class of people. About the year 1836, the United States had more money than she knew what to do with. She proposed to divide it among the States. Nothing was said about the share of Virginia, until 1850, when it was proposed, by the House of Representatives, that the fund should be accepted, and used to establish schools for the poor white people. The Hon. Mr. Garland rose in his place, and said he would rather see the children of Virginia rot, than to take that money for the purpose of a school-fund.

The gentleman uses an illustration to show that some damage is to result from an omission to incorporate in the Constitution a provision on this subject, and that such transactions meet their just deserts. That is all right enough. And when,—as he himself remarks,—a man attains wealth, knowledge, and social position in the world, can he, or any other man, prevent that man associating with any other whom he chooses to accept as his associate? I have a little anecdote, to relate here, of an incident that took place in New York. A New York merchant held commercial intercourse with Honduras. A merchant there had shipped to him large quantities of dye-stuff. Trade had been going on between the two, by the medium of letters, for a number of years. The Honduras merchant at length determined to go to New York and see his correspondent, taking with him letters from his mercantile friends. He entered the office of the gentleman, who stood for some time perfectly astounded, at the visit, ignorant of the fact that this was his Honduras correspondent. At last he turned down his spectacles, and asked the visitor what he wanted. The letters were produced; and he was profoundly surprised to find that this was the gentleman who had shipped him stuff to the amount of a hundred and fifty thousand dollars a year, from his house. "Take a seat." The visitor sat down; and after some conversation the merchant accompanied him back to the hotel, and found it almost impossible to avoid asking him to call at his house. He "did the courteous," and proposed that his visitor should go to church with him on Sunday—I presume they were Episcopalians. He took the gentleman to church with him, on the Sabbath. Now, he and a neighbor occupied a pew together, for which the two paid; and the latter, entering the church and seeing in the pew this gentleman of dark complexion, became very indignant. At the close of the services, he stood waiting outside the church-door, to ask an explanation. "Look here, sir! you have had a nigger in my pew, to-day!" "Well, friend, it was imposible to get along without it—he is doing a large amount of business with me; and as he is a stranger in the city, and brought letters, I couldn't avoid inviting him." "It makes no difference—he's a nigger!" "But he is an educated man, and a perfect gentleman." "It makes no difference—he's a nigger!" "He is worth five hundred thousand dollars, and does a business of many hundreds of thousands of dollars a year. I was going to bring him around, to-morrow, and introduce him." "Is that so?—You must bring him around." [Laughter.]

I have seen the workings of the same principle, right in this country. I can take you, in this country, where there are negroes,—somewhat bleached out,—worth from one hundred to five hundred thousand dollars; and since they have been free they have never allowed their blood to be tainted any more. These facts go to show, as the gentleman asserts, and as I will admit, that a repugnance exists. There is no means of direction except that of giving an interest. When I do a day's work for a man, and he pays me for it, our connection ceases. Give our children education, and yours. And if there are laws of God, that cannot be violated without injury to both;—if there are laws of God, and this repugnance exists,—that fact should itself be sufficient, to keep up the line of demarcation.

As far as regards putting the negro upon an equality with anybody,—that is an impossibility. White men are not on a social equality with each other. There are hundreds of thousands of white men of as good Saxon lineage as any in this house, that never dare attempt to cross your threshold. And I have seen negroes as black as Erebus having perfect access to the house, when white men stood in the entry, with their hats in their hands. There is no social equality between yourselves: how can we expect it?

I do not argue thus because I am not utterly opposed to amalgamation. But it does seem strange to me that gentlemen oppose it only when it takes place in a legitimate form. They make no opposition to it when manifesting itself in an illegitimate form. They do not propose to punish anybody for illegitimate intercourse. Is that fair? If we are to have inserted in the Constitution a clause forbidding legitimate connections between members of the two races, ought we not also to forbid the illegitimate intercourse? Surely the latter is just as vicious and harmful.

There is another difficulty. As before remarked, the great trouble, in settling this question, has been with regard to the question of State sovereignty. Shall the great central Government of this country be indeed the centre, the sun, of this solar system of States? In a word, shall a citizen of the United States be a citizen, also, in the State in which he resides, and enjoy all the privileges and immunities secured, by the National Constitution, to a citizen of the United States? That is the question—not the difference between the races—*that* is a sanitary idea, and sinks into insignificance, in comparison with this great question of equal and impartial citizenship, in accordance with the principles of the Constitution of the United States. Take the case of North Carolina, where, when a man is one-sixteenth black and fifteen-sixteenths white, he is a white man, and, under the laws of the State, has a right to marry whom he pleases. According to the laws of Virginia, before the war, a man seven-eighths white could go before any court, prove that fact, obtain his papers witnessing the fact, and pass out, into the world, in equality with the white man, in all social and political rights. That was in a slave State, when slavery was at its height and bloom. Has a negro a vote, in the State of Ohio? According to the laws of the State of Ohio, to-day, it is held that a man must be either white or black: if he is more white than black, then he is a white man; if he has more of black blood than of white, then he is a negro. The law of Louisiana, before the war, was, that a child born of a white mother follows the condition of the mother. No matter what the color of the child, in that case, it became a free white man or woman. I have known hundreds and thousands of black men, in the State of Lousiana,—right in the city of New Orleans,—to get their papers, before the law, with the great seal of the State thereon, testifying to that fact. They passed out in the world, and had the right to circulate and associate in any company they chose.

I do not propose to favor any regulation requiring that there shall be fifteen-sixteenths, or sixteen-sixteenths, of white blood—that makes no difference to me—no difference in the world. As I before remarked, I am opposed to miscegenation; but at the same time, the difficulty arises here:—will we pander to prejudice, and insert in our Constitution a clause that will come in conflict with the Constitution of the United States, with the spirit of the age, and the rights of humanity, and this simply for the sake of pandering to the prejudices of a few, for the time being? This course will not protect the white man. Education, wealth, and political prejudices, constitute the protection of the white man. He has the right of the ballot; and if he has that, that protects him, and not any side issue with regard to the races. Let me say to the gentleman, that with the public-schools all over the land, with the growth of intelligence, such prejudices and ideas will vanish like the baseless fabric of a dream. It is my desire, simply, that the Constitution that we make may not, in any short period, need amendment, and require the people of the State, through their representatives, to be again called together to form a new constitution. Let it be built upon the solid foundation of justice and right; and if these prejudices must be pandered to for the time being, let it be by the enactment of the Legislature,—I say, the enactment of the Legislature; for as for giving such action the title of *law*, I have never had sufficient patience to do it—I believe, with Socrates, that law is an entity, a part of the Deity—I believe that when it ceases to accord with the eternal and unchangeable truth, it is "not law, but only Latin." Keep the organic law of the land clear, and we can strip it of these side issues, and I have no doubt of the result before the people. The white people of this country have always protected themselves against these encroachments; and indeed, as far as that is concerned, it has been attempted, and in a great measure with success, to engender, between the poor white people of the State and the negro, a bitter prejudice. That flame has been fostered and blown. In real truth, their interests and ours are united. For their hopes of wealth, intelligence, and influence, for their power, both of those classes must depend on the organic law of the State. If that organic law places within their reach the means of education for their children, the opportunities for the development of their intellect, the opportunity to "work their way up" in the world, they may soon come to take their place among the races of men, and among the leaders of their people.

Mr. MATTHEWS. With the consent of the gentleman from Dallas [Mr. KYLE], I offer the following as a substitute for both his proposition and that of the gentleman from White [Mr. CYPERT.]——

The PRESIDENT. A substitute will be out of order. As many amendments are already before the Convention, as can be entertained at one time.

Mr. CYPERT. We are willing to withdraw.

The PRESIDENT. In that case the gentleman's [Mr. MATTHEWS'] substitute will be in order. Is the substitute offered by the gentleman from Dallas [Mr. KYLE] withdrawn?

Mr. KYLE. Yes, sir.

Mr. MATTHEWS then offered the following substitute for the resolution before the Convention:

Resolved: That the Committee on the Constitution be directed to report the following ordinance, as a part of the Constitution:

Be it ordained: That any marriage between a white person and one of negro or mixed blood shall be void in this State, without regard to where the same was consummated; and that it is hereby made the duty of the Legislature to enact such laws as will prevent miscegenation.

Mr. BROOKS. I would like to inquire the state of the question.

The PRESIDENT. The gentleman from Sevier [Mr. CORBELL] offers a resolution as an amendment to the resolution of the gentleman from Pulaski [Mr. HINDS.] The substitute thereto offered, and the amendment to the substitute, having been withdrawn, this resolution is now offered as a substitute for the whole.

Mr. WHITE.*—I did not think that I would have anything to say upon this subject—that of amalgamation;—but the gentlemen on the other side of the house have forced me to say a few words in defence of my position. I shall try, however, to avoid a superfluous consumption of the people's time.

I desire to say that the resolution of the gentleman from Pulaski [Mr. HINDS] meets the entire approbation of the colored people. Mr. President and gentlemen of the Convention, I sincerely hope that some plan will be put in operation that will effectually prevent all illicit intercourse; but I cannot agree with the gentleman from Dallas [Mr. KYLE], in the idea that he has set forth, for I would not so underrate the virtue of the white women of this State.

I cannot think that the extension of the right of suffrage to colored men could be construed as opening the parlors of white people to a forcible entrance of colored men; but, on the contrary, their virtue and pride of race will be, as it has ever been, a sufficient safeguard to protect them from anything like social intercourse. Mr. President, allow me to ask the gentleman from Dallas who is to blame for the present state of affairs.? When I look around, I see an innumerable company of mulattoes, not one of them the heir of a white woman. This is satisfactory evidence of the virtue of white women, if we be allowed to judge the future by the past. In the late bloody war these gentlemen left their wives and daughters in the care of colored men for four years, and I defy the gentleman to cite me a single instance where they have failed to live up to their integrity. Gentlemen, the shoe pinches on the other foot. The white men of the South have been for years indulging in illicit intercourse with colored women, and in the dark days of slavery this intercourse was in a great majority of cases forced upon the innocent victims; and I think the time has come when such a course should end.

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* NOTE.—It may be desirable that somewhere in the course of the Report should appear this statement: that (in accordance with custom), in the few cases where a member has thought proper himself to write out, or to revise, his remarks, not substantially modifying the ideas, omitting no interpolations of others, and changing no expression which has given rise to subsequent remark, such revised speech has been substituted for the transcript from the short-hand notes.—REPORTER.

When we look around us we see the bad results of this course, when two families, one colored and one white, with the same blood coursing through their veins, are taught to disregard the family relation; and yet it is common through all the Southern States. Can this be anything else than an evil growing out of human slavery? I think not. We are free in the North, and have been for many years; and there is as little prospect now as there ever was of the two races becoming socially identified. The Yankees will preach with us, pray with us, sing with us, and advise us to vote the Republican ticket; but they are by no means prepared for social equality. So far as the Northern ladies are concerned, they are like the sensitive plant,—they shrink from the most distant allusion to it.

But, Mr. President, this argument serves to arouse the prejudice of the ignorant conservative element; for I do not believe that such argument is sufficient to convince the more intelligent portion of that party. There is one thing that I desire at the present time above all others, and that is that this honorable body may strip the question of negro suffrage of all outside issues, and present the subject of equal rights with all its bearings, to the people of Arkansas; and, my soul for it, we will triumph, for the principle is eternal. He that liveth forever hath said that He is on the side of the oppressed.

Mr. HODGES, of Pulaski. I shall not detain the Convention long. But this resolution looks, to me, a little like State Rights, secession, or something of that kind. I will briefly explain my reasons for so thinking.

Be it ordained: That any marriage between a white person and one of negro or mixed blood shall be void in this State, without regard to where the same was consummated; and that it is hereby made the duty of the Legislature to enact such laws as will prevent miscegenation.

I must say, sir, I think there is a little of State Rights, or secession, here. I wish to read a few words from an article in the Constitution of the United States, of which our friends, as well as ourselves, think so highly. I read from Article IV, Section 2.

"The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

It is very plain that the desire is to violate, directly, that article of the Constitution; and that we cannot incorporate in our organic act any provision of that kind, but our government fails to be republican in form, and therefore fails to be in accordance with the provisions of the Constitution of the United States, as it now stands.

I wish to read, also, Section 1 of the Article known as the Fourteenth Article of Amendment, which we, as Republicans, expect may some time be ratified, even in this State:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of its laws."

I appeal to the Convention if this proposed action does not savor a little of secession and State Rights,—something which I supposed was played out, here, in the Spring of some two or three years ago.

If the purpose is to prevent crime, we are with our friends. But we appeal to the Convention to say whether by prohibiting legal intercourse, we prevent crime. If anything is to be done, I think the Republicans can join in something like this;—and if this matter is pushed, I propose to introduce this resolution, and I believe we will carry it. It expresses the sentiments of myself, of one or two gentlemen, I think, on this side of the house, and, it may be, on the other. I have no doubt, at all, that it will, if gentlemen are honest in their intention, prevent amalgamation.

Resolved: That the Committee on the Constitution, its Arrangement and Phraseology, be instructed to frame an organic Act, so as to effectually prevent amalgamation by all illicit intercourse. Also, that all persons cohabiting with females, without regard to color, shall be declared and considered in law as man and wife.

I appeal to every man here, whether, if such a law were enacted, we should not have less cohabitation of the two races. If every man and woman cohabiting together should be declared man and wife, and the children of such illegitimate intercourse should inherit in like manner as if the parties had been regularly married, we should remedy the fault.

Mr. KYLE. I will ask the gentleman if he does not think that rule would facilitate amalgamation. I think it would very decidedly facilitate it.

Mr. HODGES. No, sir. Well, we will read the rest, and see.

And that all persons, without regard to color or previous condition—and upon this point, the evidence of the mother shall be conclusive—shall inherit estates of their ancestors, the same as though legitimately born. Also, that should it appear that, under such construction of law, citizens of this State are guilty of the crime of bigamy, they shall be punishable in accordance with the provisions of law.

Also: That there be an organic law preventing citizens of this State from disposing of their property by will, or otherwise, only to the heirs to such estates, as contemplated by the foregoing organic Act.

Now, then, gentlemen, if you want to prevent this crime of amalgamation, this plan, or some similar one, will do it more effectually than any law you may pass, preventing legal intercourse. I think that there are others who agree with me in this opinion. Moreover, the system would be fair to all: there would be no distinctions in reference to race and color—it would be in accordance with a republican form of government, and with the Constitution of the United States.

Mr. MATTHEWS. Suppose citizens had rights in other States, in contravention of the provisions of that resolution, or ordinance, whichever it is: why would not that plan conflict with the Constitution of the United States, as much as any other proposed?

Mr. HODGES. So far as that goes, it would be unrepublican.

Mr. MATTHEWS. It certainly would, on the gentleman's theory: there is no such law in any other State.

Mr. MALLORY moved the previous question.

Mr. KYLE. I ask the gentleman, as a matter of courtesy, to withdraw, for a moment, at least, the call for the previous question.

Mr. SARBER called for the reading of the resolution.

The SECRETARY read the (substitute) resolution offered by Mr. MATTHEWS.

Mr. JOHNSON. I move to vote that question out of the house.

The PRESIDENT. The question before the Convention, and which takes precedence, is,—Shall the main question be now put?

Mr. MALLORY. I did not intend to move the previous question upon that resolution. I thought the gentleman from Pulaski [Mr. HODGES] had offered his proposition as a substitute for the whole.

Mr. HODGES, of Pulaski. I did not offer it; but stated that if the matter should occupy more time, I *would* offer it, with a view to settle the whole question—and I think it would settle it effectually.

The question was taken; and, a division being called for, the motion was agreed to,—Ayes 33, Noes 17: so the main question was ordered.

The question recurring upon the adoption of the substitute (offered by Mr. MATTHEWS),

Mr. CYPERT asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative,—Yeas 19, Nays 43, as follows:

YEAS: Messrs. Beasley, Bradley, Corbell, Cypert, Harrison, Hicks, Hollis, Hoge, Kyle, Matthews, McCown, Norman, Owen, Portis, Puntney, Reynolds, Shoppach, Walker, and Wright—19.

NAYS: Messrs. Bell, Brashear, Brooks, Coates, Dale, Evans, Exon, Gray of

Jefferson, Grey of Phillips, Hatfield, Hawkins, Hinds, Hinkle, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Murphy, McClure, Oliver, Poole, Priddy, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, Wilson, White, Williams, Wyatt, and the President—43.

So the substitute was rejected.

Pending the call of the roll:

Mr. GREY, of Phillips (when his name was called), said: I vote against the clause that comes in conflict with the Constitution of the United States, which gives me the same rights and privileges with any citizen of the United States. As far as miscegenation is concerned, I am opposed to that. I vote No.

Mr. WILSON (when his name was called) said: I wish to make a remark. I shall have to be considered as changing my reckoning, slightly, upon this subject. It appears there are two great parties, the White Man's Party and the Negro Party. I belong to the Negro Party, and not to the White Man's Party. I therefore vote against the substitute, and to give the white men part of the advantage of the bleaching process. [Laughter.] I shall have to vote No.

The vote was then announced as above.

The question recurring on the amendment (proposed by Mr. CORBELL),

The vote was taken; and the question was decided in the negative,—Yeas 17, Nays 42, as follows:

YEAS: Messrs. Beasley, Bradley, Corbell, Harrison, Hicks, Hoge, Kyle, McCown, Moore, Norman, Owen, Portis, Puntney, Reynolds, Shoppach, Walker, and Wilson—17.

NAYS: Messrs. Bell, Brashear, Brooks, Coates, Duvall, Evans, Exon, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hinds, Hinkle, Hollis, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Murphy, McClure, Oliver, Poole, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, White, Williams, Wyatt, and the President—42.

So the amendment was rejected.

Pending the call of the roll:

Messrs. GANTT and WRIGHT asked to be excused from voting; they having just entered the hall, and not understanding the question.

No objection being made,

Messrs. GANTT and WRIGHT were excused from voting.

The vote was then announced as above.

The question recurring upon the resolution:

Mr. McCOWN asked: Would it be in order to move an adjournment?

The PRESIDENT. It would not. The previous question has been ordered.

Mr. BEASLEY. In order to make myself appear consistent and correct in my vote, I shall make a few remarks.——

The PRESIDENT. The gentleman will have an opportunity to make his explanation when the roll shall be called.

Mr. McCLURE. I move a call of the house. I observe that some gentlemen are absenting themselves: and I want to have a full vote.

The question was taken on the motion for a call of the house; and the motion was agreed to, and a call of the house ordered.

The SECRETARY proceeded to call the roll.

Pending the call:

Mr. BEASLEY said: Mr. Van Hook is sick, at home; he did not dodge the question.

All the members of the Convention, except Messrs. Montgomery and Van Hook, answering to their names,

Mr. BROOKS moved that further proceeding under the call be dispensed with.

The question was taken; and the motion was agreed to.

Mr. McCOWN. I read from Rule XV:

"A motion to adjourn shall always be in order, and shall be decided without debate."

The PRESIDENT. The gentleman states the rule correctly. But the previous question has been ordered; the vote is now being taken, on the main question; and it is the opinion of the Chair that while the vote is being taken, a motion to adjourn is not in order.

Mr. CYPERT. I ask a division of the question. I am willing to vote for a resolution setting forth that I am opposed to miscegenation; but I do not wish to be offering recommendations, to future Legislatures, as to what laws they shall pass.

Mr. BROOKS. Do I understand the gentleman to object to recommending his views to the next Legislature—as a recommendation? *I* am willing to recommend *my* views to their notice.

Mr. CYPERT. I think it futile to do so.

The PRESIDENT. A division of the question is called for. The question will first be taken upon the first clause of the resolution.

Mr. GANTT asked for the yeas and nays.

The yeas and nays were ordered.

The vote was then taken on the adoption of the first clause of the resolution, to wit:

Resolved: That this Convention is utterly opposed to all amalgamation between the white and colored races, whether the same is legitimate or illegitimate;

And the question was unanimously decided in the affirmative.

Pending the call of the roll:

Mr. RECTOR (when his name was called) asked to be excused from voting.

Mr. GANTT, and others, objected; whereupon,

Mr. RECTOR voted Aye.

The vote was then announced as above.

Mr. HINDS. I think we should congratulate ourselves, that we have agreed upon one point.

Mr. WILSON. I hope the gentleman [Mr. HINDS] will withdraw the remainder of the resolution, and let it pass.

The vote was then taken on the adoption of the remaining portion of the resolution, to wit:

We would therefore recommend that the next General Assembly enact such laws as may effectually govern the same;

And the question was decided in the affirmative,—Yeas 56, Nays 9, as follows:

YEAS: Messrs. Beasley, Belden, Bell, Brashear, Brooks, Coates, Corbell, Dale, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hollis, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Kyle, Mallory, Mason, Matthews, Merrick, Millsaps, Murphy, McCown, McClure, Norman, Oliver, Owen, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Reynolds, Rounsaville, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, Walker, White, Williams, Wyatt, and the President—56.

NAYS: Messrs. Bradley, Cypert, Hoge, Langley, Misner, Moore, Shoppach, Wilson, and Wright—9.

So the resolution was adopted.

Pending the call of the roll:

Mr. BEASLEY (when his name was called) said: The time has come, now, for me to make my remarks. I voted for the substitute, because I preferred that; but since this is proposed, and is the best we can get, I shall vote for that. And I will now suggest an amendment. Will this resolution accompany the Constitution? [Cries of "Certainly."] That is the point: is it to be connected with, or inserted in, the Constitution, in some sense, so that the next Legislature may get hold of it tangibly, and so that it may go before the people? I ask for information.

The PRESIDENT. That will depend upon the action of the Convention.

Mr. BROOKS. I suppose it will be all-sufficient for it to go upon the Journal, and be published in the proceedings of the Convention. It will be perfectly accessible, among the public documents.

Mr. GREY, of Phillips. I move that it be put in pamphlet form.

The PRESIDENT. All these amendments are out of order.

Mr. BEASLEY. This being the best we can get, I shall vote for it. I vote Aye. I wish to have the Legislature instructed to the best purpose we can.

Mr. BRADLEY (when his name was called) said: Let me explain my vote. I am in favor of some action by the Legislature, to the accomplishment of that end; but when I am called upon to vote upon this part of the resolution, with the understanding that I am referring the question to the Legislature, I vote No.

Mr. BRADLEY subsequently sent to the Secretary's desk the following written explanation, which he asked to have spread upon the Journal:

I am in favor of Legislative action on this subject. As a mere matter of referring the question, to avoid action by this Convention, I vote Nay.

Mr. CORBELL (when his name was called) read, in substance, the following explanation, which he subsequently sent to the Secretary's desk, and asked to have spread upon the Journal.

I would rather have a clause inserted in the Constitution, forbidding amalgamation; but as I cannot get that clause inserted, I vote Yea, but have no idea that the Legislature will take cognizance of it.

Mr. CYPERT (when his name was called) voted No, and read the following explanation, which he sent to the Secretary's desk, and asked to have spread upon the Journal.

I deem any recommendation of this Convention to the future Legislators of the State, by resolution, as futile and arrogant in the extreme.

Mr. GANTT (when his name was called) said: I record my vote in the affirmative; and I do so because, from principle, I am opposed to the intermixture of the races, and think the Legislature ought to be instructed, so far as it is in our power, to prevent such connections, if possible. I vote Aye.

Mr. GREY, of Phillips (when his name was called), said: Let me explain my vote. From the honest conviction that the people will elect such a Legislature as will take hold of this matter, and because this Constitutional Convention has already referred resolutions for action by that Legislature, I vote Aye.

Mr. HICKS (when his name was called) said: I am not heavy on explanations. But, if our recommendation will be of any advantage to the next Legislature, I will vote Aye.

Mr. HODGES, of Pulaski (when his name was called), said: In order that the next Legislature may not be deceived with regard to our opinions as to how this should be corrected, I vote Aye, and will soon move the resolution which I have read.

Mr. HOGE (when his name was called) said: I am opposed to political Buncombe; and vote No.

Mr. HUTCHINSON (when his name was called) said: It seems to be fashionable to make explanatory remarks upon the votes. I have been all the time silent, during the discussion; and I therefore take this manner of expressing my own sentiments upon the subject. It appears to me that this resolution asks more, of the Legislature, than it is competent for any body of men to grant. It asks that they shall provide that such a thing shall be forever prevented—a result which, in my opinion, it is impossible for any body of men to accomplish. Notwithstanding this, however, I record my vote in the affirmative.

Mr. LANGLEY (when his name was called) said: As gentlemen are making explanations, I will have to make an explanation, by asking to be excused from voting. I beg to be excused.

Objection being made,

Mr. LANGLEY said: If not excused, I shall vote against the proposition, and explain myself in this way: I am opposed to amalgamation; but I am also opposed to prohibiting marriage between any persons, on account of color, as I consider it would be contrary to the doctrine of equal rights before the law, and not strictly republican. [Laughter and applause.]

Mr. MALLORY. I vote Aye, for this reason. I believe that the course proposed is the only legitimate way of getting rid of this question, and sends it to the only place where it can be handled. I do not believe the Constitutional Convention has anything to do with it.

Mr. McCOWN (when his name was called) said: I will follow suit, in the way of giving a reason for my vote. That resolution does not come up to what I think it should be. It does not accomplish all that I desire, or all that I hope for. But, not being a spoiled child, I will take a half-loaf rather than no bread at all, hoping I may get the whole before we are done. I shall vote in the affirmative.

Mr. McCown subsequently sent to the Secretary's desk the following explanation, which he asked to have spread upon the Journal.

The resolution is not all I wish or hope for, or the occasion demands. I vote in favor of it—half a loaf is better than no bread at all.

Mr. MOORE (when his name was called) said: While I am opposed to amalgamation of the races, I hold that we have no right, here, to instruct any subsequent Legislature that may assemble. To do so is asking more than we have a right to ask. Being, at the same time, opposed to our making political campaign documents, I shall vote No.

Mr. SARBER (when his name was called) remarked: I would say that I believe the people of this or any State, have a right to instruct their representatives, on any subject; and I have full confidence that the coming Legislature will pay proper respect to the will of the people, thus expressed. I vote Aye.

Mr. WILSON (when his name was called) said: If an explanation is necessary, I have to say that I am opposed to the passage, here, of any recommendation to a Legislature, to do any act not founded upon organic law; on the ground that such a provision ought not to appear in our organic law. I am opposed to our Legislature being instructed to enact laws which can only by implication be considered Constitutional.

Mr. WHITE (when his name was called) said: As I am in favor of the Legislature doing right to the colored people as well as to the white, I vote Aye.

Before the vote was announced:

Mr. HINDS said: Some explanations were made, during the call, that were not fully understood. I would like to understand them. I see that several parties have sent up written explanations. The inquiry has been suggested, whether the gentleman from Bradley [Mr. BRADLEY] objected to the measure on account of the word "usage" being omitted from the resolution.

Mr. BRADLEY. I sent up a written explanation, setting forth, exactly as I stated verbally, that I was in favor of Legislative action, but that, as a mere matter of evasion on the part of this body, to get rid of the question, I voted against the resolution. [*To the* SECRETARY.] Read my explanation, if you please, for the satisfaction of the gentleman. [The SECRETARY read the explanation of Mr. BRADLEY, as before given.]

The vote was then announced as above.

THE REPORTS OF STANDING COMMITTEES.

Mr. MALLORY offered the following resolution:

Resolved: That all standing Committees, except the Committee on Elective Franchise, be instructed to report, at the earliest practicable moment, to the Committee on the Constitution.

A MEMBER. I would like to have an exception made in the case of the Minority Report of the Committee on Penitentiary.

The PRESIDENT. That is not one of the standing committees, to which, alone, the resolution applies.

The question was taken; and the motion was agreed to.

Mr. WILSON moved that the Convention adjourn to 10 o'clock, A.M., of Thursday, February 6th.

The question was taken; and the motion was agreed to;

And thereupon, at 1.15, P.M., the Convention adjourned to 10, A.M., of Thursday, February 6th.

TWENTY-FOURTH DAY.

THURSDAY, *February 6th*, 1868.

Convention met at 10, A.M.

Prayer was offered by the Chaplain.

The roll was called; and the following members answered to their names:

Messrs. Beasley, Belden, Bell, Bradley, Brashear, Brooks, Corbell, Cypert, Dale, Duvall, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hollis, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Matthews, Merrick, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Moore, Norman, Oliver, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Reynolds, Rounsaville, Sams, Samuels, Sarber, Scott, Shoppach, Sims, Smith, Snyder, Van Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President.

SICK: Mr. Coates.

EXCUSED: Messrs. Hodges of Crittenden, and Owen.

A quorum of the members of the Convention having answered to their names:

INTERMARRIAGE OF THE RACES—AGAIN.

The Journal of the preceding day was read.

Mr. CYPERT. I observe that the explanation of the gentleman from Clark [Mr. LANGLEY] is not inserted in the minutes. It was written out, and it was asked that it be inserted in the Journal.

Mr. LANGLEY. I do not care whether it is or not.

Mr. CYPERT. It is of no consequence, if the gentleman does not desire it inserted.

After some further discussion in regard to correction of the minutes,

The Journal of the preceding day was approved.

PAYMENT OF DEPUTY SHERIFFS—AGAIN.

The PRESIDENT laid before the Convention a communication from Brevet Brigadier-General C. H. SMITH, commanding Sub-District of Arkansas, in relation to the pay of Deputy Sheriffs, etc., for services rendered at the election upon the question of calling a convention, and for the choice of delegates; requesting that the Convention should take measures for the payment of such services, or should afford a statement of the grounds of their action in declining so to do.

Mr. BROOKS moved that the communication be referred to the Committee on Finance, Taxation, Public Debt, and Expenditures.

The question was taken; and the motion was agreed to.

ELECTIVE FRANCHISE.

Mr. HINDS, on behalf of the Committee, submitted the following

REPORT OF COMMITTEE ON THE ELECTIVE FRANCHISE.

The Committee to whom was referred the matter of Elective Franchise, beg leave to submit the following Report:

ARTICLE ——.

SECTION ONE. Every male person born in the United States, and every person who has been naturalized, or who has legally declared his intention to become a citizen of the United States, twenty-one years old, or upward, who shall have resided in this State six months next preceding the election, and ten days in the county in which he offers to vote, except as hereinafter provided, shall be deemed an elector.

SECTION TWO. It shall be the duty of the General Assembly to provide from time to time for the registration of all electors; but the following classes of persons shall not be permitted to register, vote, or hold office:

1st—Those who shall have been or may be convicted of treason, embezzlement of the public funds, bribery, or perjury.

2d—Those who during the late rebellion inflicted or caused to be inflicted, any cruel or unusual punishment upon any soldier, sailor, marine, employee, or citizen of the United States, or who in any other way violated the rules of civilized warfare, or engaged in that system of warfare known as bushwhacking, or guerilla.

3d—Those who may be disqualified from holding office by the proposed Amendment to the Constitution of the United States, known as Article XIV, and those who have been disqualified from registering to vote for Delegates to the Convention to frame a Constitution for the State of Arkansas, under the Act of Congress "To provide for the more Efficient Government of the Rebel States," passed March 2d, 1867, and the Acts supplementary thereto. All persons who during the late rebellion took an oath of allegiance or amnesty, under any Proclamation of the President, or General Order, to the United States Government, and afterwards violated it. All persons who have been disfranchised in other States, for participation in rebellion, and have or may hereafter, remove to this State; *Provided*, That the General Assembly shall have power, by a two-thirds vote of each house, to remove the disabilities incurred under this clause, upon the recommendation of two-thirds of the registered voters of the township where the applicant resides.

4th—All those who are idiots or insane.

SECTION THREE. No soldier, seaman, or marine, in the army or navy of the United States, shall be deemed a resident of this State in consequence of being stationed within the same.

SECTION FOUR. For the purpose of voting, no person shall be deemed to have lost a residence by reason of his absence while employed in the service of the United States, nor while engaged upon the waters of this State, or of the United States, nor while a student of any seminary of learning.

SECTION FIVE. In all elections by the people, the electors shall vote by ballot

SECTION SIX. All persons before registering, must take and subscribe the following oath:

"I, ———, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of Arkansas; that I am not excluded from registering by any of the clauses in Section II, Article — of the Constitution of the State of Arkansas; that I will never countenance or aid in the secession of this State from the United States; that I accept the civil and political equality of all men before the law; agree not to attempt to deprive any person or persons, on account of race, color, or previous condition, of any political or civil right, privilege or immunity enjoyed by any other class of men."

Provided, That if any person shall knowingly and falsely take any oath in this Constitution, such person so offending, and being duly convicted, shall be subject to the pains, penalties and disabilities which by law are provided for the crime of wilful and corrupt perjury.

SECTION SEVEN. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest and civil process, during their attendance at elections, and in going to and returning from the same.

SECTION EIGHT. Every person who by the provisions of this Article shall be entitled to vote at any election, shall be eligible to any office which now is or hereafter shall be elective by the people, except as otherwise provided in this Constitution and laws of the United States.

Section Nine. No person who ever voluntarily aided and abetted the rebellion against the United States, shall ever be eligible to fill the office of either Governor or Lieutenant Governor, nor become a Member of Congress.

[* No person who has openly advocated or voted for the reconstruction proposed by Congress, and accepts the equality of all men before the law, shall be deemed disqualified as an elector.]

Provided, That nothing herein contained shall be so construed, as to prevent any person who has been honorably discharged from the United States service, never thereafter participating in the rebellion against the United States, from voting or holding office.

James Hinds, *Chairman of Committee.*
W. H. Gray,
Solomon Exon,
J. H. Hutchinson,
George W. Dale,
Walter W. Brashear.

Mr. CYPERT, on behalf of the minority of the Committee, submitted the following

MINORITY REPORT OF COMMITTEE ON ELECTIVE FRANCHISE.

To the President and Members of the Constitutional Convention of the State of Arkansas:

The undersigned, a member of the Committee on Elective Franchise, begs leave to dissent from the conclusions arrived at by a majority of said Committee, and submits the following minority report:

First, The Article reported by the said majority of your Committee proposes to disfranchise a large class of citizens of the United States, and of the State of Arkansas, who have heretofore been invested with the sacred right of suffrage. The article reported by the said majority of the Committee effects such disfranchisement in a manner unknown to all the established principles of our Government, in this, that it presumes that said class, proposed to be deprived of the elective franchise, has been guilty of disloyalty or treason against the Constitution and Government of the United States. It is a well-established principle of our laws and government that all are presumed innocent till the guilt is shown before some judicial tribunal having cognizance of the crime. In spite of this acknowledged right of the meanest criminal, a majority of your Committee pronounce a large number of their fellow-citizens guilty of crime without a trial or conviction, and essay to strip them of vested and indisputable franchises. To so monstrous a proposition the undersigned can never assent.

Second, The majority of said Committee again propose to require of every person before he can exercise the privilege of voting, to take an oath purging himself from certain crimes and misdemeanors, and to accept for the future the civil and political equality of all the races of men. The undersigned sincerely believes said oath to be not only wicked, but futile. Posterity has never been bound by the oaths of their ancestors, and a change of circumstances always affords, not only pretext, but justifiable excuse for violating obligations, reluctantly and unwillingly taken to avert a threatened present evil.

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* Note.—This clause was accidentally omitted from the Report of the Committee, as presented, and was, by vote of the Convention (February 6th, p. 533), ordered printed with the Report.

Third, The majority of your said Committee, by their said report, further propose to enfranchise a class of persons hitherto denied this inestimable privilege;—persons declared, by the highest tribunals of our country, not to be citizens of the United States;—the inevitable result of which would be, the overthrow of the white man's government of our fathers, and an erection of an Africanized government in its stead.

The negro is not the equal of the white man. In mind and body the differences are striking, numerous, and insurmountable. Four thousand years ago, he was exactly what he is to-day. All history demonstrates his utter incapacity for self-government, and his utter want of appreciation of free institutions. But, beyond all this, our own experience, and the teachings of history, inexorably point to this dreadful result. The investing of an inferior race with social and political equality, is the stepping stone to miscegenation, and the consequent utter deterioration and degeneracy of the dominant race. It cannot be denied that political equality (politically that equality resulting from the indiscriminate exercise of the elective franchise) will result in social equality, unless in the throes and conflicts which will inevitably precede the new order of things, one or the other of the races does not perish from the earth. So marked and odious a change can be only effected after the natural and God-given prejudices of our race have ceased to exist.

Peace and prosperity can never result from measures so utterly at war with the instincts and fears of the white people of this State.

Whilst the investing the negro with the elective franchise is attended with so many dangers and objections, the undersigned cannot believe that it will be the means of shielding the colored man from oppression or wrong, but will only aggravate and increase the prejudices of race, and precipitate a civil and social war.

The undersigned will not slander the people of Arkansas so grossly, as to assert or believe, that impartial justice will not be accorded to the negro race, or that they will not enjoy all the requisite protection for person, property, and reputation, unless invested with the elective franchise; the contrary he believes and asserts to be the truth.

The undersigned is not influenced by ill will or hatred to the negro population, but sincerely desires their social, intellectual, and religious improvement. If, in the course of years, they should demonstrate their fitness for the exercise of a right (which in many highly civilized and well-governed countries is denied to large classes of citizens) it will then be time enough to discuss the propriety of putting the ballot in his hands. They are now only fitted to be the facile tool of wicked and designing superiors, and if permitted to embark on the stormy sea of politics, it will greatly retard their progress in civilization, in moral and intellectual improvement. It is, therefore, manifestly to the interest of the people of this State, white and black, to make no changes in its fundamental law, touching the elective franchise.

He therefore recommends the adoption of the following as the article upon said franchise:

ARTICLE.

Section One. All white male citizens of the United States over the age of twenty-one years, having resided in this State one year next preceding any election, and three months in the county or district where he may offer to vote, shall be deemed a qualified elector. *Provided*, That no soldier or marine in the service of the United States shall be deemed to have acquired a residence in the State by reason of being stationed on duty herein.

Section Two. All elections in this State shall be by ballot, and all persons possessing the qualifications of an elector shall be entitled to vote for all officers now elective by the Constitution of the United States, and by the Constitution of this State; *Provided*, That no person who has been or may hereafter be convicted of felony or other infamous crimes, shall ever exercise the right to vote in this State.

Respectfully submitted,
J. N. Cypert, of White.

Mr. CYPERT moved that the Report of the Minority be adopted; and upon that motion called for the previous question, subject to withdrawal for the purposes of debate, but for no other purpose.

The PRESIDENT. The question is,—Shall the main question be now put?

Mr. CYPERT. I propose to withdraw the demand, only for the purpose of debate.

Mr. BROOKS. It is the usual call for the previous question; it is, "shall," or it is, "shall not."

The PRESIDENT. The Chair has already decided that question.

Mr. BROOKS asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative,—Yeas 56, Nays 6, as follows:

Yeas: Messrs. Belden, Bell, Brashear, Brooks, Corbell, Cypert, Dale, Duvall, Evans, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hollis, Hodges of Pulaski, Hoge, Houghton, Johnson, Langley, Mallory, Mason, Matthews, Merrick, Misner, Millsaps, Murphy, McClure, Norman, Oliver, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Reynolds, Rounsaville, Sams, Samuels, Sarber, Shoppach, Sims, Smith, Snyder, Van

Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President —56.

NAYS: Messrs. Gantt, Hicks, Kyle, Montgomery, McCown, and Moore—6.

So the main question was ordered.

The question being upon the adoption of the Report of the minority of the Committee,

Mr. BROOKS asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative,—Yeas 13, Nays 50, as follows:

YEAS: Messrs. Bradley, Corbell, Cypert, Duvall, Gantt, Hicks, Hoge, Moore, Norman, Reynolds, Shoppach, Walker, and Wright—13.

NAYS: Messrs. Beasley, Belden, Bell, Brashear, Brooks, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hollis, Hodges of Pulaski, Houghton, Johnson, Kyle, Langley, Mallory, Mason, Matthews, Merrick, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Scott, Smith, Snyder, Van Hook, Wilson, White, Williams, Wyatt, and the President—50.

So the Convention refused to adopt the Report of the minority of the Committee.

Pending the call of the roll:

Mr. CORBELL (when his name was called) said: I shall vote in the affirmative, and will give my reasons, for so doing, in writing.

Mr. CORBELL sent to the SECRETARY's desk, the following explanation, which he asked to have spread upon the Journal.

I vote in favor of the Minority Report for the reason that I am unwilling to confer the right of suffrage on the colored population, coupled with, as I believe, the privilege and probability of its leading to amalgamation, which would be, in my opinion, ruinous to the colored race, for various reasons.

The vote was then announced as above.

Mr. MONTGOMERY moved that the Report of the Committee be referred to the Committee on the Constitution, its Arrangement and Phraseology, and that one hundred copies be printed for the use of the members of the Convention.

Mr. MOORE moved as an amendment, that the Minority Report be added, and that two hundred copies, instead of one hundred, be printed.

The PRESIDENT. The motion is out of order, so far as regards the Minority Report.

Mr. MOORE. Then I move that four hundred copies be printed.

Mr. MATTHEWS. I move, as a substitute, that the Majority Report be made the special order of the day for Friday, February 7th.

The question was taken; and the substitute was not agreed to.

The question was then taken on the motion that the Report be referred to the Committee on the Constitution, etc., and that one hundred copies be printed for the use of the members of the Convention; and the motion was agreed to.

SALE OF THE ARKANSAS HOT SPRINGS—AGAIN.

Mr. HINDS, on behalf of the Committee to whom was referred the resolution concerning the public sale of the Arkansas Hot Springs, with instructions to consider and report upon the propriety of memorializing Congress upon the subject, reported the following

MEMORIAL TO CONGRESS FOR THE PUBLIC SALE OF THE HOT SPRING RESERVATION IN THE STATE OF ARKANSAS.

To the Honorable, the Senate and House of Representatives, of the United States, in Congress assembled:

Your memorialists, the Constitutional Convention of the State of Arkansas, respectfully represent, that the public reservation known as the Hot Spring reservation, comprising all that portion of the public domain situated in Sec. 28, 29, 32, 33, in Township 2, south; and 4 and 5, in Township 3, south of Range 19, west, in the State of Arkansas, is now held and occupied without color of title, by various persons, whose claims have never been acknowledged by the United States Government. That the public interest and humanity require that said Springs be made available for public use, and the welfare and settlement of the State is in a great measure dependent upon it. We would, therefore, ask that the same be sold under the direction of the Secretary of the Interior, to the highest bidder or bidders, for cash, after having been laid out into streets, blocks, and lots or parcels of ground of such form and area as will best facilitate the construction of a town.

That the proceeds arising from the sale of the same, be invested in United States securities, and held in trust until otherwise provided by law, and that the accruing interest upon said securities, be applied to the Common School Fund for the education of all the children of the State. And your memorialists will ever pray.

JAMES HINDS,
Chairman.

Mr. GANTT moved that the consideration of the Report be made the special order of the day for Monday, February 10th.

Mr. McCLURE. I hope the motion will not prevail. The time of the

Convention is needed for other purposes; and this is a question which may as well be disposed of now as at any other time. I suppose the Memorial will have no more effect upon Congress than would the Memorial of any other body of individuals in the State.

Mr. HINDS said, in substance: The parties now occupying the property in question are occupying it without any legal title. The Government, at the time of the survey, had the property set apart as a reservation, to be retained in its own possession. Since that time, the Government has never parted with the title to the land; and it remains a reservation. What is now asked is, that the sale take place under the direction of the Secretary of the Interior, and that the property be sold, for cash, to the highest bidder, and that the moneys arising from the sale be invested in United States securities, which securities shall be set apart for the purposes of education in this State. If any parties have any right to the lands in question, it will certainly be made to appear. If the Government has never parted with its title to the land, then the parties now holding the property are trespassers on the public domain. If they have any rightful claim to the lands, let them make it good: if they have not, they certainly cannot object to the Government disposing of it in the manner proposed, with the view of increasing the educational facilities of the State.

Now, although we do not desire any haste in the consideration of this matter, we are still anxious to have it disposed of. The Committee have had the question under careful advisement. They have investigated the condition of the alleged title to that reservation. They ask, merely, that no course shall be pursued that shall be disadvantageous to the interests of the State, or of the Government. There is no question as to the medicinal qualities of the Springs, and their consequent value. When the matter is properly understood, it will be found extremely advantageous to have such action taken, in the premises, as will, without injuring the just rights of any person, redound to the permanent interest of the State. The Memorial will certainly serve the purpose of inviting the attention of the General Government to the question whether it has ever parted with its title; and, if it has not, it may induce such action as will, without entrenching upon the genuine rights of any individual, essentially subserve the cause of education in this State.

Mr. GANTT. I conceive that this question should receive a careful consideration. It is certainly a grave one. The proposition is, that the Convention shall administer upon the estate of Messrs. Hale, Gaines, and Rector. The property which it is proposed to sell, has, in fact, been paid for, three times over. Yet the proposition now is, to deliberately dispossess the owners who have paid their money for the property, and to contribute the proceeds to the School Fund. The property is certainly a valuable one. The Convention has precisely the same right thus to dispose of this property, that any private citizen has to walk up to me and help himself to my hat or my pocket-book.

The precedent which we are about to set is surely one to require some consideration, before committing ourselves to such action. If it is justifiable for this body thus to interfere with private property, the purchase-money of which is in the coffers of the Government, then it is right and proper that you should administer upon the estates of all of us. Why, sir, let us consider what we are about to do! The proposition is to take away, from citizens of the State, property for which they have paid three times over; the only question being, as between Messrs. Hale, Gaines, and Rector, who paid for it first. The question, I say, is not as to who paid for the property, but simply who has the first title. Is it justice, is it common honesty, that we should memorialize Congress to seize upon this individual property, sell it, and appropriate the proceeds to the School Fund, or to any other purpose? Sir, I protest against committing ourselves to rush a measure of this sort through this body! No man who has a spark of common honesty in his bosom will lay his hand upon his heart, and declare his belief that we have any moral or legal right thus to encroach upon the individual rights of property. Are we to rush such a measure through, without any investigation? The property is certainly valuable. But that is not the consideration that is to influence our action. Because a citizen possesses valuable property, are we therefore to seize upon it? I do not hesitate to say, sir, that the course proposed is unfair—it is more than unfair, it is dishonest; and it is certainly to be hoped, by all honest Americans, that the United States Government will refuse to lend itself to any such scheme. What assurance, what security, has any of us for his property;—what security will the purchaser of this very property, under the scheme proposed in the memorial, have, for his title, when land paid for, to the United States, three times over, can thus be confiscated?

I did not propose, when this matter was referred, to say one word in reference to it. But surely we will not hurry through a proposition of this kind, without investigation. There must be some point, sir, in all this hurry. Gentlemen who desire to deal fairly with the question, surely cannot refuse to give the opportunity ample investigation and discussion. I say that no honest man can be desirous of any other course.

Mr. BRADLEY [*in his seat.*] Ditto!

Mr. GANTT [*to Mr. Bradley.*] Sir?

Mr. BRADLEY [*in his seat.*] I say the same.

Mr. GANTT. Yes, sir; it is true; and the proposition will be supported by every honest man. If my neighbor hold property which he has fairly bought and paid for, it is neither right or proper, it is unjustified in law or in fact, for me, because I happen to stand behind bayonets, to seize his estate, sell it, and appropriate the proceeds to any purpose whatever; I care not how high the object may be. I admit, freely and frankly, that no higher benefit can be bestowed upon the people of Arkansas, than a school system. I have no desire to depreciate the advantages of such a system. But I do say it is wrong for us to attempt to build up that system by any course pursued in defiance of common honesty.

I ask that this subject be made a special order for a particular day, in order that the members of the Convention may be enabled to vote intelligently upon it. There can be no objection to our voting upon the facts as they are. And when those facts can be laid before this body, I pledge myself that it shall be conclusively shown that the United States Government has received pay for this land, three times over.

Mr. McCLURE. A word as to the question of title. I do not suppose that any gentleman will argue that this Convention has any jurisdiction over that subject. All the Courts of Arkansas, for three years past, have decided nothing that binds the Government of the United States. The decision of this Convention would establish no single fact. I regret to hear the statement, upon this floor, that the United States Government has received pay three times over, for this property. I am here to say that I do not believe that to be true. The evidence does not in my opinion, sustain the statement. Who paid for this land I neither know nor care. I presume there is sufficient honesty and integrity in the Congress of the United States to ascertain to whom this property properly belongs, and to award it accordingly. If it belongs to the people of the United States, it is subject to the action of Congress. If it does not belong to the United States, there is an end to the matter. A bill was introduced into Congress by Mr. Schenck, looking to the similar disposition of this property, to that which is now proposed. This was to some extent a recognition of the fact that it belonged to the United States, and to nobody else. The only proposition before us is, to memorialize Congress. Our action affects the rights and interests of the parties, neither one way nor the other. This is not the tribunal for the adjudication of claims. For my own part, I have no interest in the matter one way or another. The only point that I insist upon is, an objection that next Monday or any other day, shall be spent in the discussion of this subject. Therefore, for the purpose of disposing of this question, and preventing any further waste of time in this discussion, I move the previous question.

Mr. MOORE. I am not ready to act without some further investigation upon the subject.

Mr. BRADLEY. This seems to me a very unfair way of disposing of questions. I do not want to rush the thing, one way or another.

The question was taken; and, a division being called for, the motion was agreed to,—Ayes 34, Noes 19,—and the main question was ordered.

The question was then taken on the motion to make the consideration of the Report the special order of the day, for Monday, February 10th, at 10, A.M.; and it was decided in the negative,—Yeas 22, Nays 35, as follows:

YEAS: Messrs. Bradley, Cypert, Duvall, Gantt, Grey of Phillips, Hicks, Hollis, Hoge, Kyle, Mason, Matthews, Moore, Norman, Portis, Puntney, Rawlings, Reynolds, Shoppach, Van Hook, Walker, Wilson, and Wright—22.

NAYS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Corbell, Dale, Evans, Exon, Gray of Jefferson, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Houghton, Johnson, Langley, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Poole, Priddy, Rector, Samuels, Sarber, Smith, Snyder, White, Williams, Wyatt, and the President—35.

So the Convention refused to make the consideration of the Report the special order of the day for Monday, February 10th, at 10, A.M.

Pending the call of the roll:

Mr. SAMS (when his name was called) asked to be excused from voting.

No objection being offered,

Mr. SAMS was excused.

The vote was then announced as above.

The question was then taken on the motion for the adoption of the Report and Memorial; and it was decided in the affirmative,—Yeas 29, Nays 28, as follows:

YEAS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Dale, Exon, Gray of Jefferson, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Johnson, Langley, Mallory, Millsaps, Montgomery, Murphy, McClure, Oliver, Poole, Priddy, Rector, Samuels, Scott, Smith, Snyder, and the President—29.

NAYS: Messrs. Bradley, Corbell, Cypert, Duvall, Evans, Gantt, Grey of Phillips, Hicks, Hollis, Hoge, Kyle, Misner, Matthews, Merrick, Mason, Moore, Norman, Portis, Puntney, Rawlings, Reynolds, Shoppach, Van Hook, Walker, Wilson, White, Wright, and Wyatt—28.

So the Report and Memorial were adopted.

Pending the call of the roll:

Mr. CYPERT (when his name was called) said: I am satisfied that there are some extraordinary facts connected with this matter; and I do not know the truth of any of the facts stated in the Memorial. I must, consequently, vote No, unless I could endorse the statements as true.

Mr. HOUGHTON (when his name was called) wished to be excused from voting.

No objection being made,

Mr. HOUGHTON was excused.

Mr. KYLE (when his name was called) said: I have no knowledge of the facts contained in the Memorial; and I therefore vote No.

Mr. MOORE (when his name was called) said: I know nothing about the facts set forth in that Memorial, and have not had time to examine the question. I believe it to be an interference with private rights. I vote No; and desire that my explanation be spread upon the record.

Mr. MOORE sent to the Secretary's desk, the following written explanation of his vote:

I vote Nay, because I believe it wrong for this Convention to interfere with private rights.

Mr. SAMS (when his name was called) asked to be excused from voting.

No objection being offered,

Mr. SAMS was excused.

Mr. HOLLIS (when his name was called) asked to be excused from voting.

No objection being offered,

Mr. HOLLIS was excused.

The vote was then announced as above.

PENITENTIARY—AGAIN.

Mr. WHITE, on behalf of a minority of the select Committee on the Penitentiary, presented a Minority Report (which appears, at the point of the proceedings where it was read to the Convention, in the report of the following day.)*

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* NOTE. A discussion arose in the Convention, on the succeeding day, respecting the correctness of the Journal, in omitting mention of the presentation, at this stage of the proceedings, of a report from the minority of the select Committee on the Penitentiary. It has occurred to the Reporter that an informal note, setting forth the facts as observed by himself, may be of service in explaining the contradictory recollections expressed.

After the announcement of the result of the vote upon the adoption of the Memorial on the Hot Springs, Mr. WHITE rose, with a paper in his hand. He was not recognized by the Chair, however, did not obtain the floor, and made no remark; but sent the paper, by the hands of a page, to the SECRETARY's desk. Mr. BROOKS obtained the floor, and offered the motion for adjournment. Mr. GANTT, in his seat, and in a low voice, called for the reading of the Report. Messrs. PUNTNEY and CYPERT, while the vote was being taken upon the motion for adjournment, made the remarks which appear in the text.

The Journal of the day, as amended, contains the Report; but its appearance has here been deferred to the point in the proceedings when it was actually read.—REPORTER.

ADJOURNMENT.

Mr. BROOKS moved that the Convention adjourn to 10, A.M., of the morrow.

Mr. CYPERT asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative,—Yeas 33, Nays 27, as follows:

YEAS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Dale, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinkle, Houghton, Johnson, Langley, Mallory, Mason, Millsaps, Montgomery, Murphy, McClure, Poole, Priddy, Ratcliff, Sams, Samuels, Sarber, Scott, Snyder, Williams, Wyatt, and the President—33.

NAYS: Messrs. Bradley, Corbell, Cypert, Duvall, Evans, Exon, Gantt, Hicks, Hinds, Hoge, Kyle, Matthews, Misner, Moore, Norman, Portis, Puntney, Rawlings, Rector, Reynolds, Shoppach, Smith, Van Hook, Walker, Wilson, White, and Wyatt—27.

So the motion to adjourn to 10, A.M., of the morrow, was agreed to.

Pending the call of the roll:

Mr. PUNTNEY said: I want to give the gentlemen a chance to bring in their Minority Report.

Before the result was announced:

Mr. BRADLEY said: I have not heard all the names called. I have not heard the name of Mr. MASON.

The SECRETARY called the name of Mr. MASON; and

Mr. MASON voted Aye.

Messrs. MILLSAPS, and GREY, of Phillips, who had voted in the negative, changed their votes, and recorded them in the affimative.

Mr. CYPERT. Did I understand that a minority report was sent to the table, and has not been acted upon——?

[Mr. BROOKS rose to reply, when]

The PRESIDENT announced the vote, as above;

And thereupon, at 12 M., the Convention adjourned to 10, A.M., of Friday, February 7th, 1868.

TWENTY-FIFTH DAY.

FRIDAY, *February 7th*, 1868.

Convention met at 10, A.M.

Prayer was offered by the Chaplain.

The roll was called; and the following members answered to their names:

Messrs. Beasley, Belden, Bell, Bradley, Brashear, Brooks, Coates, Corbell, Cypert, Dale, Duvall, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hollis, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Kyle, Langley, Mallory, Mason, Matthews, Merrick, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Moore, Norman, Oliver, Poole, Portis, Puntney, Rawlings, Rector, Reynolds, Rounsaville, Sams, Samuels, Sarber, Scott, Shoppach, Sims, Smith, Snyder, Van Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President.

SICK, AND EXCUSED: Messrs. Hodges of Crittenden, Priddy, and Owen.

A quorum of the members of the Convention having answered to their names:

PENITENTIARY—AGAIN.

The Journal of the preceding day was read.

Mr. CYPERT. A minority report was sent to the Secretary's table. There is no note of that in the minutes as read.

The FIRST ASSISTANT SECRETARY replied: The gentleman said he withdrew the Report.

Mr. CYPERT. I state the facts; and I call upon the gentleman from Chicot [Mr. MASON] to sustain me.

Mr. MASON. The Report was sent up before the motion to adjourn was made.

Mr. BEASLEY. Is my vote recorded, on the Hot Springs question?

The FIRST ASSISTANT SECRETARY replied: It is not.

Mr. BEASLEY. That is right. I should have voted against the proposition, had I been here.

Mr. HINDS. If there is no objection, the Committee would desire to have these words embodied in the Report of the Committee on the Elective Franchise.

> No person who has openly advocated or voted for the reconstruction proposed by Congress, and accepts the equality of all men before the law, shall be deemed disqualified as an elector.

Mr. MOORE objected.

Mr. HODGES, of Pulaski. I move that the amendment be permitted to go into the Report, and upon that motion I call for the yeas and nays.

Mr. CYPERT. I ask to know whether the correction of the minutes has been made, in accordance with my suggestion. That was the first matter under consideration. Were the minutes corrected, in regard to the Report of the Minority of the Committee on the Penitentiary?

The FIRST ASSISTANT SECRETARY replied: There was no order for the correction.

Mr. CYPERT. I have stated the facts in a certain way, and there seems to be no statement to the contrary. I ask that the minutes be corrected in accordance with my statement.

The PRESIDENT. The Chair has no recollection upon the subject.

Mr. CYPERT. When the Report was sent to the Secretary's table, it lay there until the question was taken upon the adjournment. After that, parties insisted that it should be taken from the Secretary's table. I do not know by whom, but the gentleman who presented the Report was urged not to do so—after the adjournment.

Mr. BROOKS. The gentleman's statement, I think, is calculated to involve some member of this Convention in a charge of serious misdemeanor; and I hope we shall have no general accusations of that character, without a specification. It is charged that some person took a document from the desk of the Secretary, without the Secretary's consent. I am not disposed to participate in any wrangle with respect to the minutes. My own recollection is to this effect, that the gentlemen on both sides are partially correct. A motion to adjourn was made somewhere in that quarter of the house [the left] before the presentation of the Report of the Committee on the Penitentiary.

Mr. BRADLEY [*in his seat.*] Half an hour before.

Mr. BROOKS. I cannot state the time.

Mr. MOORE. I will explain to the gentleman from Phillips [Mr. Brooks]——

Mr. BROOKS. I cannot consent to be interrupted now.

Mr. MOORE. I merely wish to explain——

The PRESIDENT. The gentleman from Phillips declines to yield the floor.

Mr. BROOKS. I do not give way to an explanation now. [*To Mr.* Moore.] You can make your explanation after I have finished.

The motion to adjourn was made. The Report of the Committee on the Penitentiary was made. The Minority Report was announced, and was passed forward—probably by one of the pages. Subsequently to the announcement, I arose, and moved an adjournment. This was while the Minority Report was being transmitted to the table. I did not do it hastily, or in any flurry, or with any design to run into anybody's wheelhouse, but moved to adjourn; and the motion, upon the yeas and nays, was carried.

The PRESIDENT. The Chair will make an observation. If gentlemen will inform the Chair how long it was, before the motion to adjourn, that they suppose the Minority Report to have been handed in, the Chair can tell whether that Report was actually presented.

Mr. GANTT. The Minority Report was put in just before the motion to adjourn was made.

The PRESIDENT. The recollection of the Chair is, that the motion to adjourn was made some time before it was put.

Mr. GANTT. The motion to adjourn was withdrawn; and we went on to discuss the subject of the proposed memorial on the Hot Springs. During that discussion, the Minority Report was put in; and I, in my seat, asked that it should be read. I went to the Clerk's desk, afterwards, to read that Report, and asked to have it, that I might so read it. That right was denied me; which denial I suppose to have been an abridgment of my rights as a Delegate upon this floor.

Mr. CYPERT. I ask the gentleman from Phillips [Mr. BROOKS] if he did not insist upon the Minority Report being withdrawn?

Mr. BROOKS. I answer positively, No; and challenge the world, the flesh, and the Devil, upon the subject! [Laughter.]

Mr. CYPERT. I don't want to introduce the Devil here. I may be wrongly informed; but that was my understanding.

Mr. BROOKS. You are wrongly informed.

Mr. CYPERT. I am wrongly informed. But I saw the gentleman in conversation with the gentleman from Chicot [Mr. MASON]—the Minority Report was sent up, the motion to adjourn was made, and I afterwards saw the gentleman in very close conversation with the gentleman from Chicot. If the gentleman says it is not so, I can say it *is* so.

Mr. BROOKS. I would like to know of the gentleman, in the first place, at what period of the proceedings he observed that we were in very close conversation?

Mr. CYPERT. After the adjournment.

Mr. BROOKS. I would ask, in the second place, if the gentleman wishes to abridge my right to converse closely with my colleagues?

Mr. CYPERT. By no means.

Mr. BROOKS. I didn't know but that the gentleman proposed to deny me the privilege of conversing with my colleagues.

Mr. GANTT. I would like to know whether a majority, or a minority, of a committee, after their report has been tendered, and put upon the Secretary's desk, can withdraw the report from the Convention; and second, whether I, as a delegate, cannot have the privilege of examining any paper upon the desk of the Secretary.

The PRESIDENT. A resolution has been adopted declaring that no paper shall be taken from the desk, without either the order of the President, or consent of the Secretary.

Mr. GANTT. I did not propose to take the Report from the Secretary's desk. I proposed to read it only upon the desk, and my right to do so was abridged.

Mr. BROOKS. The gentleman is out of order. I understand the question for consideration now to be upon the point raised by the gentleman from White [Mr. CYPERT],—which is perfectly competent and proper,—upon the correction of the Journal. The question raised by the gentleman from Prairie [Mr. GANTT] is entirely another matter—it is a matter of personal privilege.

So far as I recollect, the motion to adjourn, made by myself, was seconded, not by the gentleman from Chicot [Mr. MASON], but by the gentleman from Phillips, my colleague. That, however, is not material. But my recollection is, with the gentleman from White, that my motion to adjourn was made after the Report had been handed to the Page, for transmission to the Secretary's table. I claim that it was perfectly competent for me to make the motion, and for the Convention to decide the motion, to adjourn or not to adjourn. It was decided, by the yeas and nays; and we adjourned. While gentlemen may entertain their private opinions as to the motives for adjournment, that is a matter of opinion, to which gentlemen are perfectly entitled. But I submit that it is not in order, to say nothing of courtesy and good fellowship, to attribute motives for adjournment, especially when such motion was made at dinner-time, and gentlemen had made the same motion, half an hour before, on the other side. So far as regards the attempt at a fling at me for my "close conversation," and all that,—I converse when I choose, and with whom I choose, so I converse respectfully, and as a gentleman; and I do not allow the privilege, to the gentleman from White, or any other honorable, or dishonorable, gentleman, to prescribe to me when, how, or with whom, I shall hold my conversations.

Mr. CYPERT. Explanations go a certain way, always; but if the gentleman wants to make any such issue, I will bring him to the point. I will ask him another question.

Mr. BROOKS. The gentleman has a perfect right to ask any questions he may choose, concerning the adjournment; but he has not a right to indulge in criticisms on my private conversations.

Mr. CYPERT. No one has asked in regard to the adjournment. But as the gentleman seems to be writhing under the lash, I will go a little further. [*To Mr.* BROOKS.] After the adjournment, did you not meet with the minority of the Committee on the Penitentiary, and urge them to withdraw their Report?

Mr. BROOKS. I will answer, and ask the privilege of having it put upon the Journal. [*Turning to Mr.* WHITE.] Did I urge you to withdraw the Report?

Mr. WHITE [*in his seat.*] No.

Mr. GANTT. I do not desire to make any unnecessary complaint; but I do feel, and I say here now, that my rights as a delegate upon this floor have been abridged, and without authority. I went to the Secretary's desk, as I had a right to do, and asked the privilege of reading this Report. That privilege was denied me. I say now, and I want it to go to the country, that my rights as a delegate in this body have been abridged. I am here as the representative of an honest constituency; when I am denied a right or privilege due me in that capacity, *they* are abridged of their rights. I have been so denied, and for some *purpose.* There could have been no reason for the denial, unless it was intended as a personal discourtesy. My relations with the Secretary were kind and cordial. I cannot regard his action as personal to me; and therefore I must conclude there was some other object. The Report was taken from my hand, and put in the drawer; and I wish that fact to go to the world.

So far as the gentleman from Phillips [Mr. BROOKS] is concerned, his motion was in order; and I, and no man, can have a right to question his motives for submitting it. I make no complaint, at all, upon that score.

The PRESIDENT. The question is upon the amendment of the minutes of yesterday, in accordance with the suggestion of the gentleman from White [Mr. CYPERT], so that the Journal shall show that the Minority Report of the Committee on the Penitentiary was presented. The Chair conceives that the remarks in regard to the privileges of members, and so forth, are out of order in this connection.

The SECRETARY, by consent, said: I desire, right here, to make an explanation; for I feel that I have done no more than was proper and legitimate in the premises. When the Report was handed in, the question before the Convention was upon a motion to adjourn. Mr. Jones [reporter of the "Republican"] had slipped out the paper to look it over: he had not had it a minute before the reporter of the "Gazette" had it. Seeing still three or four other gentlemen making a headlong rush for this Report, I placed it in a drawer, to prevent,—what seemed very probable,—its loss. Then the gentleman from Chicot [Mr. MASON] asked for the Report, saying he "desired that Report which he had sent in here." There was no intention, on my part, to injure the feelings of any gentleman on this floor.

Mr. GANTT. Let me ask one question. Has the Secretary of this Convention the right, after the report of a minority, or of the majority, of a committee has been placed upon the table,—to return that Report, or permit it to be withdrawn, without the consent of the Convention?

The SECRETARY, as before, remarked:—I claim that after adjournment no gentleman has any business with any paper upon the desk, appertaining to the business of the Convention.

Mr. MOORE. I have just to say this, and upon the uniform principle, as I understand, of parliamentary decisions: that when a document is filed with the Secretary, and on his desk, nobody can take it from this Convention without the consent of the Convention—that such document is then the property of the Convention, and that neither the gentleman offering it, nor anybody else, can withdraw it without the consent of the body. I know not what this Report says, nor do I care; neither would I impugn the motives of any gentleman upon this floor. But the Report is a part of our record; it belongs here. Parliamentary usage is, that it is to be considered as belonging to the House, and cannot be withdrawn but by permission of the House. I therefore say that the document ought to be replaced upon the table, and should be read. If it was slipped in the drawer——

Mr. MASON here presented the Report in question, being that of a minority of the Select Committee on the subject of the Penitentiary.

Mr. GANTT. Is it the same Report?

Mr. MASON. Yes, sir.

Mr. GANTT. Unchanged?

Mr. MASON. Yes, sir.

Mr. GANTT. Let it be read.

Mr. BROOKS. There is a rule of this body, requiring that no document shall be removed from the table without the consent of the Secretary. Now I submit that under such a rule it is competent for the Secretary, in his discretion, to allow a temporary removal, from the table, of any document; the Secretary holding himself responsible to the Convention.

Mr. GANTT. I do not question that right of the Secretary at all; but I understood that the removal of the Report from the table was intended as a withdrawal of the paper from the Convention; and the minutes do not show, this morning, that it was presented, at all.

Mr. BROOKS. I do not refer to the remarks of the gentleman from Prairie [Mr. GANTT], but of the gentleman on the other side of the house [Mr. MOORE.] I stated to the gentleman [Mr. GANTT] at the time, yesterday, in private conversation, that I made no point as against him. My remark was not intended as responsive to anything from him, but to the gentleman from Ashley, which was to the effect, whether so intended or not, that it was not within the prerogative of the Secretary to allow a temporary removal of papers from his desk. I contend that the Secretary did not violate any rule of this body, when, in the exercise, under authority expressly conferred upon him by the Convention, of discretion as an officer of the Convention, he allowed the Committee the temporary use of a document, holding himself responsible to this body, as its officer.

Mr. MOORE. It was not my intention to convey the idea that the Secretary had transcended his duty, in permitting the withdrawal of that document. I hold, however, that it is the property of this Convention, and ought to be properly placed upon its records. Any member can, with the consent of the Secretary, withdraw any paper; but it had properly become, and is now, the property of this body; and its presentation should be duly noted.

The PRESIDENT. There is no question upon this subject. The Chair is of the opinion that, under the circumstances, the Secretary had the right to permit the gentleman from Chicot [Mr. MASON] to take the paper. There seemed to be several gentlemen very desirous of getting hold of the Report,—among others, the gentleman from Chicot. The Secretary could not deliver the paper to all; and if any preference was to be given in the matter, as would appear to have been indispensable if anybody was to have it, the gentleman from Chicot, as a member of the Committee, and one of those members who presented the Report in question, would be first entitled to its possession.

Mr. GANTT. I will ask whether the Secretary could deny me the privilege of reading the Report at the desk.

The PRESIDENT. The Chair understands that the demands were made close together.

The SECRETARY, as before, remarked:—There were three persons at the same time endeavoring to obtain possession of the paper.

Mr. GANTT. It was put in the drawer.

The SECRETARY. It was not put in the drawer until after the time of which I speak.

The PRESIDENT. The Chair regards the question as settled.

Mr. HICKS. I desire to make an explanation. Some little asperity has been manifested, in regard to a remark which I heard the gentleman from Phillips [Mr. BROOKS] make use of——

The PRESIDENT. The gentleman's remarks are out of order. It has already been stated that the Chair regards the question before the Convention as settled.

Mr. HICKS. But I rise to a personal explanation. This is a matter of veracity. I wish to make a statement; as neither of the gentlemen have understood this matter. After the adjournment of the Convention, I stood there [pointing to a position in the aisle], and heard the gentleman from Phillips [Mr. BROOKS] remark to the minority of this Committee [Messrs. MASON and WHITE] that they ought to confide in those who had been always their friends, and had always proved their fidelity. [Laughter on the left.] They had the Report in their hands; and I presume the reference was to the Report.

So far as the other statement is concerned, it is a misapprehension, on the part of the gentleman from White [Mr. CYPERT.]

The PRESIDENT. The Chair understands the gentleman from White [Mr. CYPERT] to ask that the minutes be so amended as to show that the Minority Report was presented on yesterday.

Mr. CYPERT. Yes, sir.

The PRESIDENT. If there is no further objections the minutes will be so amended.

Mr. HINDS. It is the desire of the Committee that the Minority Report shall be printed with the Report of the majority. It was intended to accompany the Majority Report.

The PRESIDENT. If there is no objection, this Report, which the gentleman says was intended to accompany that of the Report of the majority, will be referred to the same Committee, and printed with the Majority Report.

Mr. KYLE. I call for the reading of the Minority Report of the Committee on the Penitentiary.

The PRESIDENT inquired of the SECRETARY whether there was any special order of the day.

The SECRETARY informed the Chair that it was impossible to procure, from the printer, copies of the Report which had been made the subject of the special order of the day.

The PRESIDENT. If the gentleman from Dallas [Mr. KYLE] will wait a few moments,—the Report the consideration of which forms the special order of the day, not being attainable,—the paper which he calls for will be read.

Mr. GANTT. I rise to a personal explanation. The discussion in regard to the reception, and so forth, of the Minority Report of the Penitentiary, having been somewhat heated, I desire to add a single remark. I desire to say that the SECRETARY, I am entirely certain, intended nothing personal to me. And I take this occasion to say that thus far, he has been a competent and faithful officer of the Convention. Our relations are kind; and I am very much gratified to express my conviction that nothing unfair was intended by him, in the matter referred to.

ELECTIVE FRANCHISE—AGAIN.

Mr. HINDS, from the Committee on the Elective Franchise, submitted the following clause, accidentally omitted from the Report of the Committee, and which he now desired to have inserted.

No person who has openly advocated or voted for the reconstruction proposed by Congress, and accepts the equality of all men before the law, shall be deemed disqualified as an elector.

Objection being made,

The question was taken upon the proposition that the omitted clause be printed, and take the same course with the Majority Report of the Committee; and the proposition was agreed to.

[For convenience of reference, this clause has been inserted in brackets, in the Report of the Committee, as originally presented. The clause appeared in the Report, as printed for the use of the Convention.]

The Journal of the preceding day was then appproved.

PENITENTIARY—AGAIN.

No reports of standing committees being presented, and
Reports of select committees being in order,
The SECRETARY then read the following

MINORITY REPORT OF COMMITTEE ON THE PENITENTIARY.

Having been added to the Committee on Penitentiary, by the Constitutional Convention, and having participated in the labors of investigation of the contract under which the same is now held, and also in the examination of witnesses, in regard to treatment, discipline of prisoners, etc., as a natural result we have formed some opinion upon the various subjects under consideration. Those opinions we expected to have an opportunity of expressing to the Committee of which we formed a part, before final action was taken, or the Report submitted; not doubting but that in all probability the few differences that might exist between ourselves and the majority, on a comparison of views, could be harmonized so as to obviate the necessity of presenting a minority report.

We regret the fact that the Committee, reporting, has not extended that courtesy to us that we claim was our due.

1st. It appears, on investigation, that the contract was awarded to Messrs. Hodges, Peay, & Aliff, by the action of the last General Assembly of the State of Arkansas. As to the legality of said action, we do not feel ourselves competent to determine.

2d. It appears that the lease is for the term of fifteen years; also, that the contracting parties receive the aid of the State funds,—first in the sum of thirty-eight thousand two hundred and seventy-five dollars ($38,275); in addition, twenty-five dollars for each iron bedstead, mattress, and bed clothing; seventy-five cents per foot for piping for heating cells and main building: the probable cost of the last two items, as estimated by Messrs. Hodges, Peay, & Aliff, is thirteen thousand dollars ($13,000). Taking these sums together, they make in the aggregate, fifty-one thousand two hundred and seventy-five dollars ($51,275), to start on, to be drawn out of the State treasury, for the purpose of putting the institution in running order; and the State supplies this amount of capital, without interest, for eleven years; and as much more as may be necessary for completing the arrangements of said contract; and for the first three years, adds thirty-five (35) cents per day for the subsistence of each prisoner. For these and other franchises secured, the State expects at the end of fifteen years to have solved the problem, as to whether the institution can be made self-supporting or not; and for the privilege of having tried the experiment, reserves to herself the right to purchase machinery, etc., at its appraised value, *if* she should be able. The labor and mechanical skill of prisoners, in the meantime, simply and solely contributing to the benefit of the contractors; they agreeing, after the term of three years, to pay for such labor in provisions, to the amount necessary for subsistence and clothing for each convict laborer. Perhaps, in the judgment of the General Assembly, this may have been considered the best and cheapest arrangement possible to be made, after comparing this contract with the management of other State institutions of this kind. Be that as it may, it is evident that the Governor dissented to the action of the General Assembly, and, it is fair to suppose, for good and sufficient reasons; as men of all shades of political opinion admit his integrity of purpose, and honesty of intent, in public life. We conclude, that at the present time, but little harm may result from the continuance of the contract under its present form, but we hold that it is impossible to estimate the influence that it may exert over the destinies of the State, when fostered by fifteen years of growth. It arises into a colossal monopoly, overshadowing and perhaps controlling the whole mechanical industry of the State. This, we think, is a subject for the deepest consideration; and while we do not feel willing to offer positive advice we would commend it to your serious consideration.

3d. The infliction of corporeal punishment.

This species of punishment, by the use of a strap some eighteen inches in length, and three inches in width, upon the naked person of the prisoner, we find to be in common use. Although aware of the necessity of strict discipline in all institutions of this kind, knowing also that the lash is *countenanced*, though rarely if ever *used*, in a few of the States composing the American Union; that this prototype of the Russian knout,—this semblance of the cato'-nine-tails,—this relic of barbarism,—this unnecessary degradation of men already sufficiently lowered in human estimation, we consider to be abhorrent to every feeling of humanity, and to every dictate of Christianity. The organic law of the State guarantees the full protection of the person of the prisoner. Has this guarantee been sustained? To this point we would also call your attention, and would respectfully recommend the incorporation of an article into the organic law, abolishing this species of punishment.

4th. As to the mode of investigation.

We must say, in justice to ourselves, that we were not entirely satisfied with the course pursued in the examination of witnesses; the party representing those charged with the infliction of cruelty, although having disclaimed all personal interest in the matter, being chief examiner.

5th. The inquiry is made as to who were the original contractors, and by whom the lease is now held. It appears that but one of the first parties is known in the lease at this time.

6th. It seems to us that an inquiry would then naturally arise as to the effect that this action would have upon the original security bond—whether that bond *was* and *is* sufficient.

7th. That portion of the Majority Report severely animadverting upon the conduct of the last General Assembly of the State of Arkansas, in charging upon them the expenditure of ten thousand dollars of the State funds in drunkenness, riot, and debauchery with Andrew Johnson.

We think this irrelevant to the subject, and foreign to the resolution passed by this body as a basis for our action. While we hold it to be the right of the representatives of the people to investigate the conduct of public servants, yet, however unworthy they may have conducted themselves in the discharge of their public duties, we cannot agree in the use of other than temperate and respectful language.

JAS. W. MASON,
J. T. WHITE.

Mr. BRADLEY moved that one hundred copies of the Report be printed.

Mr. BROOKS moved to amend by adding that the entire subject be made the special order of the day for Tuesday, February 11th.

Mr. GANTT. I hope the gentleman [Mr. BRADLEY] will accept the amendment.

Mr. BRADLEY. I accept the amendment.

Mr. HODGES, of Pulaski. Perhaps I might say a word more. I may not have another opportunity of saying a word upon this subject. If, in this Report, there is any idea that the parties now holding the contract had any influence over the Committee empowered to make this examination and Report, I would like to have them state the facts of the case.

Mr. BRADLEY. I object to this discussion. The merits of this Report will be discussed at the proper time, and in a regular manner.

Mr. HODGES. I am much obliged to the gentleman, for his objection. I have a right to personal explanation.

Mr. MASON. I do not understand that there is any such charge in the Report.

Mr. HODGES. I mean to say that if there is any charge of undue influence exerted, in this matter, on the part of any persons connected with the contract, I wish to have that corrected. I thought, from a first hearing of the Report, that it did indicate something of the kind; and I would like to have the matter made clear.

Mr. McCLURE. The gentlemen who have presented this Report, seem to think that they were overlooked and slighted, in the fact that the Majority Report was not submitted for their consideration. I have this to say, in respect to that point. A consultation was had with the entire Committee, after the evidence had been reduced to writing, and the material facts contained in the Report were agreed upon. At that time there was no such discrepancy of views expressed, as now. The gentlemen then objected to the infliction of a certain class of punishment recognized as in use in the Penitentiary. That was no part of our investigation; we were not required to investigate the question, whether the punishment used in the Penitentiary, was, or was not, too severe. It was objected, that an unheard-of mode of punishment was adopted. There was a unanimity, I say, on all parts of the subject except that. They had no more right——

Mr. MOORE. I rise to a point of order. I would inquire whether the gentleman is in order.

Mr. McCLURE. I am making a personal explanation.

Mr. MOORE. I suppose no argument is pertinent, except upon the question of reference.

The PRESIDENT. Personal explanation seems to be in order this morning; and the Chair is disposed to allow the gentleman a reasonable latitude in his remarks.

Mr. McCLURE. I have, then, to say that, the views of the Committee being thus ascertained, I sat down, with the gentleman from Desha [Mr. SIMS], to draw up the Report. There were several members of the Committee; but no member of the Committee except the gentleman from Desha and myself saw the Report. These gentlemen have not been treated with more disrespect than any other members of it. I am the Chairman of the Committee; I am not its clerk. If I make out the Report, after discussing it with the members present at the meeting of the Committee, I embody in the Report my feelings and sentiments on the subject. Every individual member of the Committee had the right to make his report; but when I write a report, I write what I think, and not what others think.

The question was taken; and the motion was agreed to.

Mr. MONTGOMERY. Are both Reports to be made the special order for Tuesday next?

The PRESIDENT. The Chair intended to state the question in that form. It will so stand, unless objected to.

RULES OF ORDER—AGAIN.

Motions, resolutions, and notices being in order,

Mr. HINDS said: I gave notice that I should introduce a motion to amend Rule I, so that it shall require one-half the members of the Convention, instead of two-thirds, to constitute a quorum.

I now move to amend Rule I, by striking out the word "two-thirds," and inserting, instead thereof, the word "one-half."

Mr. CYPERT. I ask for the yeas and nays, on that motion. Of course, I shall oppose it.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative,—Yeas 40, Nays 23, as follows:

YEAS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Dale, Exon, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hinds, Hinkle, Hollis, Hodges of Pulaski, Hutchinson, Johnson, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Poole, Portis, Rawlings, Rector, Samuels, Sarber, Scott, Smith, Snyder, White, Williams, Wyatt, and the President—40.

NAYS: Messrs. Beasley, Bradley, Corbell, Cypert, Duvall, Evans, Gantt, Harrison, Hicks, Hoge, Houghton, Kyle, Matthews, Moore, Norman, Puntney, Reynolds, Rounsaville, Shoppach, Van Hook, Walker, Wilson, and Wright—23.

So the amendment was agreed to.

PUBLIC PRINTING—AGAIN.

Mr. KYLE. I desire to give notice that on to-morrow, I shall move to reconsider the vote by which the public printing was taken from the parties executing it under a contract made by the last Legislature; and for making that motion, I will give my reasons when the question shall come before the Convention.

PENITENTIARY—AGAIN.

Mr. HODGES, of Pulaski, extended an invitation to the members of the Convention, to visit the Penitentiary, at half-past-two o'clock on the following afternoon. He expressed a hope that the investigation in the matter of the Penitentiary might proceed, and the question be settled.

Mr. GANTT moved that the invitation be accepted, for Monday following.

Mr. HODGES. I said, Saturday, at half-past-two o'clock.

Mr. GANTT. I move, then, that the invitation be accepted.

The question was taken; and the motion was agreed to.

SALE OF ARKANSAS HOT SPRINGS—AGAIN.

Mr. HOLLIS, gave notice that on the morrow he should move a reconsideration of the vote by which the Memorial to Congress in relation to the sale of the Arkansas Hot Springs, was adopted.

ERECTION OF A NEW COUNTY ("MAGAZINE.")

Mr. SCOTT offered the following resolution:

Resolved: That all that portion of the Counties of Franklin and Scott included in the following boundaries, viz.: Beginning at the northwest corner of Scott County, where the township line dividing Townships 6 and 7 crosses range line dividing 25 and 26, running west, on said township line, to range line dividing ranges 28 and 29; thence south, on the boundary line between Scott and Sebastian, to township line dividing Townships 3 and 4; thence east, on said line, to the point of beginning;—be, and the same is hereby, formed into a separate and distinct County, to be called and known by the name of "Magazine," to have, enjoy, and exercise, as a body politic and corporate, all the rights, privileges, and immunities of an independent County.

Second, The first Legislature shall enact laws for the carrying into effect the objects of the resolution.

Mr. SARBER moved that the resolution be referred to the Committee on the Judiciary.

The question was taken; and the motion was not agreed to.

REMOVAL OF POLITICAL DISABILITIES—AGAIN.

Mr. HINDS announced that the select Committee appointed to draft a memorial to Congress in relation to the removal of political disabilities, would be ready to receive the names of such persons as might be entitled, under the resolution, to the recommendation.

The PRESIDENT asked when the Committee would be ready to receive such names.

Mr. HINDS replied: At any time. The Chairman, or any member of the Committee, would receive them.

OFFICE OF POSTMASTER OF CONVENTION.

Mr. WILSON. I offer the following resolution, declaring vacant the office of Postmaster of the Convention. I represent the laboring class. I find that, in fact, we have no Postmaster now.

Resolved: That the office of Postmaster of this Convention be, and the same is hereby, declared vacant.

Mr. BROOKS moved that the resolution be amended by striking out the word "vacant," and inserting, instead thereof, the word "abolished."

Mr. WILSON accepted the amendment.

Mr. REYNOLDS asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative,—Yeas 61, Nays 2, as follows:

YEAS: Messrs. Beasley, Belden, Bell, Bradley, Brashear, Brooks, Coates, Corbell, Cypert, Dale, Duvall, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hollis, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Matthews, Misner, Millsaps, Montgomery, Murphy, McClure, Moore, Norman, Oliver, Portis, Puntney, Rawlings, Rector, Reynolds, Rounsaville, Samuels, Sarber, Scott, Shoppach, Smith, Snyder, Van Hook, Walker, Williams, White, Wilson, Wright, Wyatt, and the President—61.

NAYS: Messrs. Merrick and Poole—2.

So the resolution was adopted.

Pending the call:

Mr. LANGLEY asked to be excused from voting.

Mr. GANTT. I object.

Mr. LANGLEY. I would state my reasons. The Postmaster is an old friend of mine; and I would regret to participate in any action which might wound his feelings. [Cries of "Excuse him."]

Mr. GANTT. I object.

Mr. LANGLEY. Aye.

The vote was then announced as above.

Mr. BROOKS moved that Mr. MUSTAIN, Third Assistant Doorkeeper, be instructed to attend to the mail matter of the Convention.

Mr. CYPERT moved, as an amendment, that the Pages might be called upon to assist in the performance of the duty.

The question was taken on the motion as amended; and the motion was agreed to.

ILLEGITIMATE CHILDREN.

Mr. MASON presented the following

ORDINANCE.

Be it ordained by the people of the State of Arkansas, in Convention assembled: That all illegitimate children shall inherit from the mother, and the mother from the children. They shall also inherit from the father, whenever they shall be recognized by him as his children.

But such recognition must have been general and notorious; or, otherwise, in writing. If the recognition of relationship has been mutual, the father may inherit from his illegitimate child; but in such cases the ordinary rule of inheritance shall be inverted, so that the mother and her heirs shall take preference of the father and his heirs.

Which was read a first time.

Mr. HINDS moved that the Report be referred to the Committee on the Judiciary.

ADJOURNMENT.

Mr. MONTGOMERY moved that the Convention adjourn to 10, A.M., of Saturday, February 8th.

Mr. CYPERT, by consent, said: It is not yet the regular hour of adjournment; it is not twelve o'clock. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative,—Yeas, 37, Nays 26, as follows:

YEAS: Messrs. Belden, Brooks, Dale, Evans, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hollis, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Poole, Rawlings, Rector, Samuels, Sarber, Smith, Snyder, White, Williams, and Wyatt—37.

NAYS: Messrs. Beasley, Bell, Bradley, Brashear, Coates, Corbell, Cypert, Duvall, Exon, Hicks, Hoge, Kyle, Matthews, Moore, Norman, Portis, Puntney, Reynolds, Rounsaville, Scott, Shoppach, Van Hook, Walker, Wilson, Wright, and the President—26.

So the motion was agreed to.

Pending the call of the roll:

Mr. MOORE (when his name was called) said: In order that I may vote understandingly, I would like to inquire if there is any business, before the Convention, that we could dispose of to-day, so that we may not be spending the people's money foolishly, idly, and in "riotous and lascivious living," around this town.

Mr. HODGES, of Pulaski. I move that a committee be appointed, to keep the gentleman from living in the manner specified.

Mr. MOORE [*to Mr.* HODGES.] I don't ask you for any protection.

The PRESIDENT. Let the call of the roll proceed.

Mr. MOORE. I vote No.

The vote was then announced as above;

And thereupon, at 11.25, A.M., the Convention adjourned to 10, A.M., of Saturday, February 8th.

TWENTY-SIXTH DAY.

SATURDAY, *February 8th*, 1868.

Convention met at 10, A.M.

Prayer was offered by the Chaplain.

The roll was called; and the following members answered to their names:

Messrs. Beasley, Belden, Bell, Bradley, Brashear, Brooks, Coates, Corbell, Cypert, Dale, Duvall, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hollis, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Matthews, Merrick, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Moore, Norman, Oliver, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Scott, Shoppach, Sims, Smith, Snyder, Van Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President.

EXCUSED: Messrs. Hodges of Crittenden, and Owen.

A quorum of the members of the Convention having answered to their names:

The Journal of the preceding day was read and approved.

FINANCES OF THE STATE—AGAIN.

The special order of the day, being the consideration of the Report of the Committee on Finance, etc., upon the condition of the finances of the State, being first in order,

Mr. MALLORY moved that the Report be adopted.

Mr. GANTT. I would ask,—which Report? The Committee have submitted a number.

The PRESIDENT. That made the special order of the day;—the Report in answer to the resolution submitted by Mr. BROOKS, of Phillips.

Mr. CYPERT. The one in relation to the Real Estate Bank, etc.?

The PRESIDENT. Yes, sir.

Mr. GANTT asked for the yeas and nays.

The yeas and nays were ordered.

Mr. CYPERT. I desire to make a few remarks, in regard to the Report. I do not object so materially to the conclusions arrived at by the Committee; but the verbiage of the Report I consider discourteous in the extreme. I could not consent to have it go out to the world that I had voted for the adoption of the language used, in this Report, toward any class of citizens of the State, or of the United States. If the facts are as stated, the parties would properly be amenable to the courts, for the commission of some of the highest crimes known to the law. If untrue, the Committee are liable to prosecution for libel. I do not wish to place myself upon the record, here, as voting to say that individuals in the State of Arkansas have committed robbery, or constitute a body of thieves. If I were a juryman, and the proof sustained the accusation, I should of course say so; but as an individual, and as a member of this Convention, I am not permitted to say so. If I were to say so, I am amenable to the laws of the country, if I could not, in a prosecution for slander or libel, sustain the truth of the allegation. I cannot, then, in the absence of proof of the facts stated in the Report, vote for the adoption of any such report. It charges parties with robbery, with being thieves, with adopting plans, in the conduct of the finances of the country, known only to thieves and robbers. I wish to know if there is any gentleman here who desires to place himself upon the record as asserting the truth of such statements, when he may be held, before the courts of the country, to the proof. For I do not hesitate to say that were I one of the citizens referred to, I would hold that Committee responsible, before the courts of the country, for a libel.——

Mr. HODGES, of Pulaski. I rise to a point of order. I wish to know whether members of this body are responsible, outside this body, for their acts here?

Mr. CYPERT. Of course they are.

Mr. GANTT [*in his seat.*] Unquestionably.

Mr. BRADLEY [*in his seat.*] Certainly they are.

Mr. HODGES. I understand that for what they may here say, members are not elsewhere to be questioned.

Mr. BRADLEY [*in his seat.*] We take a different view, on this side of the house.

Mr. CYPERT. I await the decision of the Chair, on the point of order raised.

The PRESIDENT. The gentleman from White [Mr. CYPERT] can proceed with his remarks.

Mr. CYPERT. Whatever is published of an individual, whether by a corporate body or by an individual, or by a Committee,—if it be false and libellous, the parties giving it publicity are responsible before the law. I say, then, the Report is a public document, and goes before the world as a public statement, respecting citizens of the State of Arkansas. I say it is libellous; and that the party publishing it to the world is answerable to these individuals, and can be prosecuted, for the libel, before a court of justice. I say, then, I am not willing, in the absence of proof, to vote that these statements are true. If true, and proven before a court of justice, I should certainly, were I a juryman, pronounce the parties accused, to be guilty of crime. But when they are not so proven by any testimony before this body, and the statements are merely those of a number of individuals styling themselves a committee for investigation, and unsubstantiated by proof, I cannot vote for them. I will not pronounce any of my fellow-citizens guilty of such crimes as are charged against these persons, unless I shall have proof of the truth of the charges; and then I am not permitted so to pronounce them, unless as a juryman.

I do not wish to say anything further.

Mr. McCLURE. The Committee are aware of their legal responsibility, and have made these statements in the entire conviction that they can substantiate, by ample proof, everything charged in the Report. The history and condition of this State may be proved like the Common Law—the custom of the country proves it. It requires no individual proof, to substantiate these statements. They are statements of facts notorious,—apparent to every man.

I observe that, in this Convention, every reference to these and some kindred facts seems to touch upon a tender spot, with some individuals; and every time we touch the tender spot, it winces. I say, sir, that no State in the Union ever permitted, that the citizens of no State were ever subjected to, such debauchery and corruption, on the part of its public officials, as the State of Arkansas. So far as the State is concerned, she stands unparelleled in the history of crime; and if this Report touches a tender spot, it is only because it reflects upon, and may expose, those who were engaged in such transactions.

Mr. MOORE. When the report of this Committee was laid upon my desk, this morning, and after I had read it over, I could but look upon it as a monstrous document. It was astonishing, to me, that the Committee on Finance should have made such a wonderful discovery, a discovery which, if true as set forth, ought to consign the whole State of Arkansas to the Penitentiary. It revealed to me a state of facts of which I had no knowledge before. I had not supposed, I had not believed, that I lived amid a band of robbers and thieves. I had not believed that my lot had been cast in a State where all the great men, all the leading men, of the State, were banded together for the purpose of robbery and theft. I do not believe it to-day.

But if I was surprised when I read these charges, I am yet more astonished when the learned gentleman from Arkansas [Mr. McClure] rises here to say that they need no proof! I must believe, from his declaration, then, that he is willing and disposed to take the bare assertion, or vague report, for positive and incontestable proof, even to condemn parties to the Penitentiary, for felony. If that is to be the kind of law that is to be inaugurated in our State, I say, for the sake of high Heaven, let me leave the State, and find a country where there are some honest men. For does the country show any better men, to-day, than were here before? Do the more recent developments of our history promise any better state of honesty and moral rectitude than was displayed by the residents of Arkansas heretofore? Are the characters of those who were to the manor born, to be thus impugned without any shadow of proof? Are they, without a particle of testimony, to be held up, not only before us and before this country, but before the civilized world, as a parcel of thieves and robbers, and no means allowed them of vindicating their reputation for honesty and integrity? I hope this Convention will spurn this paper from its presence. They talk of the public debt that has been heaped upon Arkansas. Great God! if we take up the history of all the States, if we take up the history of the United States, for the last four years, what an immense debt do we see has been heaped upon this country—and by what party? By what class of legislation? Then in what comparison does Arkansas stand with that? Sir, it was the party now in power, that engulphed the United States in debt; and, to-day, if the whole landed estate of the country were sold, the proceeds would not pay the interest on that debt for one year. Yet gentlemen tell us, upon this floor, that all Arkansas was made up of robbers and thieves, before the war; and that the only means for payment of this debt was to inaugurate secession. Sir, what is the meaning of that statement? It is simply a taunt and a jeer at Arkansas. Who pays the taxes of Arkansas? Go, look up your records—go to the Auditor's office, and investigate the taxes of the present year; and find who pays the taxes of Arkansas, who supports the State Government of Arkansas. Does the money come from those who are striving to wield the power, to grasp the reins of government, in the State? Sir, the facts stand out in bold relief; and every one that has an eye to see and an ear to hear, can know them by applying at the State Auditor's office. And in the light of these facts all the more did these charges strike me as monstrous, as wonderful—exceedingly wonderful. When I first read them I was shocked—I shuddered—I felt inclined to regret that my lot had ever been cast in this country; for had I come here to-day and found such a state of things in truth to exist, and had had a thousand dollars in my pocket, I would have "got out of" here, as rapidly as possible. Would *you* feel safe, Mr. President, if Arkansas were composed of a set of thieves and robbers, organized for the purpose of plunder? Would you feel safe among such people? Are our Executive officers safe, is our treasury safe, is anybody safe, when they are surrounded by such a band of miscreants? I imagine that no gentleman upon this floor, that no sane man, would consider himself secure in Arkansas, if he would read this Report, and give credit to its statements.

I suppose the gentleman looked at only one side of the question. I cannot suppose that the Committee made a thorough investigation of their subject. For they were determined—they went into that committee-room determined, beforehand—to make just the report they did make.

Mr. McCLURE. I desire to correct the gentleman there. I happen, myself, to be the Chairman of the Committee; and I have to say that the gentleman is entirely mistaken in his statement.

Mr. MOORE. I do not know, Mr. President, that the members of that Committee were together—I do not know that the Committee ever met. I do not know that a majority of them were together when this Report was made. I do not know where it came from. It may have been conceived in the brain of the Chairman of that Committee, and have come forth from its embryonic state without any other gentleman of the Committee so much as seeing it; for I understand from a declaration made by the gentleman himself, on the floor of the Convention, that he considers the Chairman of a Committee to be, *ex officio*, a majority of that Committee.

Mr. McCLURE [*in his seat.*] No, sir; no such thing.

Mr. MOORE. If that is the case, then I don't know whether the Committee has reported upon this subject, or not. I don't know whether anybody has reported, except the Chairman. I do not care, however, if the whole Committee had reported. I should exceedingly regret to send to the country my endorsement of this statement; for I should thus endorse the proposition that Arkansas has but a very few honest men within her borders, and that they have not been here long. Sir, I do not believe it! I do not believe the gentleman believed it. I do not believe that when he penned that document, he thought all Arkansas was composed of thieves and robbers. If so, might I not well ask him this question: Do you think you can stand your hand with such a pack of thieves and robbers? Do you think you can become their co-equal? Do you think you can compete with them in a race for theft and robbery? Do you think you have studied the art and science of robbery, theft, and rapine, sufficiently, to be able to cope with the citizens of Arkansas? If not, then you would do well to flee to the banks of the Ohio. I say the gentleman does not believe this statement. If he is the same gentleman I imagine him to be, he is an aspirant to the highest judicial office of the State. And if he is an intelligent, sane man, learned in the law, he cannot believe the statement which he has presented to the Convention; for no sane man would, deliberately, with the world before him, settle among such a people as he represents us to be. No sane man would be willing to rear his children in a land where the pirate would be esteemed a better man than the best citizen in the land. I say the gentleman did not believe the statement when he penned it; for if he did, he is not a fit person for the high office to which he to-day aspires. He has children; he has a life of his own to live; he proposes to become a citizen here—if he can get to be a Supreme Judge; and he proposes to settle here, and devote himself to the adjudication of the rights of thieves and robbers! Great Heaven! if this is the case, and he succeeds in getting upon the bench, the last one of us will be in the Penitentiary! [Laughter.] The last one of the old citizens of Arkansas will be incarcerated in the Penitentiary; and the Convention will not get to see them all in a week, if Mr. HODGES invites us up to visit the institution. [Renewed laughter.]

Mr. BRADLEY [*in his seat.*] They can't believe it!

Mr. MOORE. No, sir; they do not believe it, though they preach it to doomsday. There is another purpose in all this. There is a power behind the throne, that induces this Report. It is patent to any man who will reflect for a moment. It is a scheme attempted to be carried out at the expense of the people of Arkansas. The plan is, to divest of influence and power all who are capable of administering the affairs of the State, and to import men learned in honesty and integrity, profoundly skilled in the science of right, men who have traversed the paths of virtue and probity, all their lives, to administer those affairs, for the good of these poor devils who have been all their lives engaged in robbing the State! I rejoice, for myself, that I live close to the line of honest Louisiana, where I can escape out of this thievish country—slip over the line without delay or inconvenience, and divorce myself forever from this community of robbers, thieves, and murderers! Everything that has been done since 1836, when Arkansas was inducted into the Union, under a constitution *then* "republican in form," has, according to the Report of the learned Chairman of the Committee on Finance, been part of a system of theft and robbery. If that is the case, Arkansas ought not to be permitted to come back into the Union. Her union with the great family of thirty-six States, would be an insult to the American flag. The star that indicates her place in the constellation of the Union, ought to be blotted from the banner. I say, it is an insult to the country, to propose the admission of a State that contains such a band of thieves and robbers. They ought to be arrested and hung; and after that was done we would no longer have the requisite population for a State. We ought to remain in our Territorial condition! We ought to be taken under the protection of some other and honest power.

Mr. President, I desire to say, in this connection, that I love the Union—the Nation—the Government of the United States. I do not love it with that affectionate devotion with which a lovesick swain adores his beloved; but I do love republican institutions. I do love a government "republican in form." Were your Governors, your Auditors, your Treasurers, all thieves and robbers? Is your Governor, to-day, a thief and a robber? He surely has not looked to this matter. He has endeavored to carry on the government of the State just as it was begun in '36; and he finds himself, in consequence, classed with thieves and robbers.

Sir, this is a monstrous doctrine. I do hope that when gentlemen come to open their eyes upon the subject, when they see the documents that are promulgated to the country, without a shadow, without a scintilla of proof, and publishing to the world such a deplorable condition of a State which many of us desire to claim, with affection and pride, as the *great* State of Arkansas,—I do hope that gentlemen will well weigh the sanction which they may give to such statements, by their votes. If I thought the proof of these statements could be adduced, I would say, let us have instituted here one great tribunal of criminal justice—let us have the biggest grand jury that ever was impanelled, for the indictment of the whole people of the State.——

Mr. HODGES, of Pulaski. I wish to ask the gentleman if he did not act as a witness, a little, for that grand jury—if he did not, a few years ago, in Ashley County, make statements that the "Bob Johnson Party" were thieves and robbers.

Mr. MOORE. I answer, emphatically, No. I never made a speech for "Bob Johnson," in my life. I wish to keep a reputation, in Arkansas.

Mr. HODGES, of Pulaski. The gentleman misunderstands my question, I said,—against the "Bob Johnson *Party.*"

Mr. MOORE. I never made a speech for or against that party.

Mr. HODGES, of Pulaski. *I am so informed.*

Mr. MOORE. Then your informant tells you something that is not true. I never saw "Bob Johnson," until 1863 or '4. I came here only on the 24th of October, 1860—not supposing, I may say, that I was coming to a nest of thieves and robbers, and if the people of the country turn out to be such, I shall leave it again. If our lands are to be sold out, as this nice and beautiful "Investigating Committee" reports to this body, and we can get a set of honest men to come here and buy them, I may stay. But I want to know that they are at least as honest as I am. I don't want, when I ride out in the country, to be robbed—for if a man will rob the State, he will rob an individual. If a man will steal money, he will steal it anywhere he can get his hands upon it.

I had hoped that the gentleman who asks the adoption of this Report, would, at least, have declined to vote for its adoption, as it is, in point of fact, simply ridiculous. It is a burning shame to the country, to send out such a monstrous production. I repeat the expression of my hope, that gentlemen will reflect well before they commit themselves to its sanction. If they are going to stay in Arkansas, if they are going to become identified with us, for God's sake let us wipe out the past, and do our present and pressing duty!

But, sir, the course of procedure which we seem to be adopting, is a ridiculous thing in another aspect. It is assuming that we have the power, in Arkansas at least, if not "all power in heaven and on earth," to unmake men—that we can divest them of their vested rights,—that we can administer on their estates,—that we can sell them out,—that a man can be a living, walking individual, and yet be dead to the law. The records say he is dead; and records cannot lie. Sir, we are taking upon our shoulders a little more than we have undertaken to do. We did not come here to investigate matters of that sort. We did not come here to impugn the motives and characters of old citizens of Arkansas. We did not come here to slander the whole State. We were called together for another purpose, and under peculiar and extraordinary circumstances. In the ten Southern States in which conventions have been called, those bodies have assembled under circumstances different from those under which such conventions have ever assembled before. They had a peculiar duty, and *only* a certain and peculiar duty, to perform. But this Convention assumes to have the power to do more than any other,—more than the Congress of the United States thought proper to invest them with. This Convention is assuming the right to *legislate* for the people of Arkansas; whereas, Congress has given them no such power. Gentlemen have sworn, as members of this Convention, to support the Constitution of the United States. *Are we doing this*, when we are travelling outside the law under which we are convened? I ask gentlemen, in all good conscience, to reflect upon the solemn oath they have taken. I ask them to come up and put their shoulders to the wheel, and do their whole duty. Do not transcend the powers conferred upon us by the Act which called us into being. Let us attend to our legitimate business, leave this matter where it properly belongs, and vote down the motion for the adoption of this Report.

Mr. BROOKS. I do not wish to appear in vindication of the Committee; that, in my opinion, is wholly unnecessary. I do not wish unnecessarily to consume the time of the Convention. I desire simply to call attention to one or two points in the remarks of the gentleman on the other side of the hall [Mr. MOORE.]

I will say, in confirmation of the statement of the Chairman of the Committee on Finance [Mr. MCCLURE], that, so far forth as my information extends, upon the subject embraced in this Report, neither the Chairman nor any of the members of the Committee, nor any member of the Convention, had any knowledge or idea of the presentation of such a resolution as that offered by myself upon the subject of the finances of the State, until I rose in my seat and presented it to the Convention. I can say, certainly, it never was the subject of conversation between myself and any gentleman connected with the Convention, or any citizen, or other person, within the boundaries of the State, after my appearance here. I regret, sir, the necessity which exists, of very briefly calling attention to the fact, that it were better, perhaps, if honorable gentleman desiring to contest this question, instead of employing time in denunciation of the Committee, and the friends of investigation, and financial integrity, would omit their denunciations and long-winded speeches, and grapple the facts and figures of the financial history, and of the official management of the financial interests, of the State of Arkansas—I will not say of thirty years, but of the past ten years, for example. The restriction to that period will enable the matter to be more easily reached—it will require less effort to unfold, analyze, and present to the public, the financial management of the State, by those who have been in authority for the space of ten years, dating backward from the organization of the present Provisional Government. Why not, instead of trying to draw the attention of the Convention, and of the country, to a simple sentence here, which is only the expression of a conclusion drawn, or the presentation of a reflection, merely, of the Committee, based upon the facts and figures of the financial history of the State during the period to which I have referred,—why not take up these latter, and show us where the Committee are in error, in alleging that the system of finance during that period has been one known only to thieves and robbers? I do not come forward to say that that remark is justified—I have not myself investigated the matter. We asked the Committee to investigate it. They have presented us, here, partial results of their labors—labors of necessity very brief and imperfect. I must say that I regard these figures as far more formidable—and if I may quote the phrase of the gentleman on the other side,—far more monstrous, than the reflections of the Committee, based upon them. The monstrosity of the case is not in the passing remarks of the Committee, but in the facts and figures, in the corruption, in the peculation, of the financial officials of the State, for ten years, embracing the period of the rebellion and dating backward from its close. And if gentlemen are anxious to exculpate those who are charged with want of integrity in the management of the public funds, as here set forth, let them take up the financial history of the State, and give it to us more perfectly. I know nothing of the previous opinions or course of the gentleman. I simply say there *are* honorable gentlemen, and some of them in this chamber, too, who did, in days gone by, unless history belies them most egregiously, use language, with regard to the financial history of the State, as vindictive, as sweeping, as that implied in the Report which has been submitted to this Convention.

A laborious effort is made, here, to represent that certain parts of this Report, and some remarks, of honorable members of this body, are designed as charges, loosely made, against the people of Arkansas. Of course, these representations are made for effect upon the public mind, only; it surely is not presumed that by such a course of remark any impression can be produced upon the minds of the gentlemen who comprise this Convention, familiar as they are with the public history, and with the subject of the past financial management of the State. They are made solely for consumption outside this hall. And so we have gentlemen here championing the cause of the people of Arkansas, and laboring to produce the impression that the masses of the people are charged, in this Report, with being thieves and robbers. I have to say, sir, that I do not so understand.

Mr. BRADLEY [*in his seat.*] I do.

Mr. BROOKS. I have not so understood gentlemen in any quarter of this hall, in the remarks which have been made. It is simply alleged, in substance, that the system of financial management with respect to the School Fund, and other funds of the State, embracing that of the public lands donated for the purposes of internal improvement, *et cætera*, for a space of fifteen years, beginning prior to the rebellion and embracing the period of its duration, was a corrupt system. It is intended to show that the financial course pursued, during that period, on the part of those who labored to carry the State beyond the domination of the Federal Government, and to crush out the Union men of Arkansas, was corrupt, and was such as would properly entitle individuals, in private life, to be characterized as thieves and robbers. I can say, on behalf of a portion, at least, of the people of Arkansas, that it is not designed to make this a sweeping charge—that no such accusation is preferred, no such view entertained; but that it is simply meant to show that the *official* handling of the funds of the State, during the years referred to, was *not* characterized by integrity, public virtue, and fidelity to the public interests and financial welfare of the State. And if that be true, sir, do not rest the responsibility of these charges exclusively upon those who have recently become citizens of this State;—for I can say, that the most sweeping accusations I have ever heard made upon the State, have been made, and brought home by facts and figures, to the officials of this State, by men who have been quite as long residents of this State, as those honorable gentlemen on the other side of the hall, who have made these remarks this morning.

We also, if we were disposed to deal in exclamations, might express astonishment that gentlemen, in attacking this Report, have asked the question, who—what party—brought upon the State of Arkansas, and upon the country at large, the enormous national debt that is now weighing so heavily upon the American people? Were it admissible here, sir, to employ the name of Deity so frequently as has been done upon the opposite side, we, too, might say,—Great God! that a man has the brass—not the copper, merely, sir—not the copper head and copper face alone, but the brass,—to stand up in this hall and ask what party precipitated this debt upon the country—what portion of the people desolated the land. Who drenched it in blood? Who desolated these homes? Who destroyed this property, public and private. Who burned railroad bridges? Who consumed the heart, who ate out the vitals, of the material interests of this country? Was it the *Union* men of Arkansas? Are *they* the party chargeable with all this ruin—new citizens or old citizens, "carpet-sack men," or "brush-breakers"—are *they* the men who precipitated this condition of affairs? Sir, on the only occasion when the *people* of Arkansas were permitted to vote, either directly or indirectly, upon the question of the secession of the State, with all its consequences of war, of blood and desolation, what was their vote? By a majority of more than eleven thousand, they declared *against* secession, and against war, and ruin, and national debt. And had that question been finally submitted to the decision of the vote of the people of Arkansas,—without the "carpet-sack men" that are here to-day to sustain and co-operate with the other Union men of the State in restoring the peace and prosperity of the country,—even without our aid, the State would never, upon a submission of the Ordinance of Secession for the popular ratification, have been carried out of the Union. The people were not allowed to vote upon the subject. Men elected by Union votes, sent to this capital with instructions to resist the passage of the Ordinance of Secession, to the last, came here, and, through some influence,—let the world judge what,—betrayed their constituency and the country, and united with the Secessionists in voting for that Ordinance, which they did not dare submit to the people. Then came war; and desolation followed in its track. And now we hear the responsibility of all this charged upon us, by men who assisted in instigating the firing on the flag at Fort Sumter, and who, indeed, according to the statements, not of Republicans, not of the "Radicals," but of their own men in their State Conventions, of their own representatives in Congress, of their own United States Senators, had been preparing the way for secession, had been engaged in this conspiracy against the country and its flag, against freedom, against the Union men of the South, the peace of the nation, and the civilization of the world, in a series of labors dating back for thirty years. Now, when they have at length reached the culmination of their efforts, when, by inflammatory speeches upon the floor of Congress, by all the chicanery they could bring to bear upon the country for the purpose of firing the Southern heart, they have finally succeeded in precipitating war, in desolating the land, in drenching it in blood, in impoverishing these Union men, as well as themselves, they come here and ask "what party created the National debt," bemoan their cruel condition, in having to pay such heavy taxes, and inquire who has defrayed the taxation of the State! Well, sir, we are perfectly willing that they shall go and examine the tax-books; and I undertake to say, that in a number of sections of the State (I merely make the remark, in passing, in answer to the gentleman from Ashley), our tax-rolls will compare with the gentleman's—if they do not, we will take our hats and carpet-sacks, and respectfully retire. "*If* we *propose* to become identified with the people of Arkansas!" We *are* identified, sir, with the *interests* of the State, and with the *Union men* of the State. But identified,—politically, I mean, not personally, or socially—to introduce political feeling into those relations of life is in conflict with our teachings, our principles and our practices,—to be identified politically with the men who have precipitated this war, and carried the State out of the Union?—no, sir! by the help of Almighty God, we never will be, no matter what consequences may come! We stand by the men that stood by the country,—we stand by the men that stood by the flag. We vindicate the rights and interests of the people that were down-trodden and oppressed by the process of secession in Arkansas,—men that were overridden by the military despotism of secession. Those are the men with whom, politically, we are identified in Arkansas, and propose to remain identified. We claim, sir, that the majority of the citizens of Arkansas, at the time of secession, were for the Union. Whether at the present time a majority, white and black, all put together, is for the Union, for the recovery of the State from its condition of bankruptcy and almost hopeless degradation and ruin,—whether we have a majority in favor of the restoration of civil government, and the rescue of Arkansas from this slough and slum of despotism and ruin, financially as well as otherwise, is a question still to be determined. We are not afraid, sir, to submit our work to the people of Arkansas, in Ashley or anywhere else. And we are not afraid that this document shall go out; and if the gentleman desires it, probably we will furnish him his saddle-bags full of copies, as he doesn't use a carpet-sack [Laughter], and he may distribute them all over Ashley.

We charge that there has been unparalleled corruption, on the part of these vultures, if I may so express myself, that have preyed upon the State of Arkansas. We do not allege that that honorable gentleman, or his constituents, or the people of Arkansas, as a body, managed these banks, or controlled the finances of the State. We make no such allegation. We simply allege that there has been a want of financial fidelity to the interests of the State; and if that charge be not sustained by these figures, and others that can, and in due time will, be produced, and exhibited to the people, then we shall admit that we have been mistaken, and that our charges are not well founded; and, when thus convinced, if we ever shall become convinced, that such is indeed the case, we will make the honorable acknowledgments necessary among gentlemen, in expiation of our error. We have, to-day, no such acknowledgments to make. If the honorable gentleman, and all the Opposition, wish to go before the people of Arkansas, and attempt a vindication of the financial management of the State during the period we have specified, we accept the issue. Let them go to the people; to the people, we also, appeal: let *them* answer the question whether they wish to foot these bills, and make up these deficiencies, incurred by the class of men alluded to in this Report—whether they want to pay for secession, and meet the rebel war-debt of Arkansas, as well as help to pay the debt incurred by the Government in the suppression of the rebellion. If gentlemen wish to vindicate, financially as well as politically, the dynasty that brought this debt upon the State, we have no objection whatever. I think it bad tactics, sir. I must say that were I on the opposite side of this question, politically, I should greatly prefer to have that stable as nearly closed as possible, lest it be cleaned out when thoroughly investigated. But if they persist in an attempt at raising political revenue out of the financial management of the State heretofore, as set forth in this Report, we bid them all good speed in the enterprise, and hope they will have a good time in its execution. [Laughter.] As to whether the Republican Party in Arkansas, or elsewhere—the Union Party—the Union men of Arkansas,—precipitated the national debt, and brought this condition of financial ruin upon the State, let the people themselves answer. We have not so understood it. If the people decide that those are the responsible parties, that aided, abetted, and sustained the corruption, the peculation, the dissolute courses, that brought about the financial desolation of the State, or if these gentlemen here now want to assume this load and attempt to carry it,—if they now, at this late period, desire to come to the rescue and do up the dirty work of the old, defunct dynasty of secession, rebellion, and civil war, I welcome them to the task, give them good cheer of their new affiliations, and hope they will have a happy honeymoon! [Laughter and applause.]

Mr. BRADLEY. I will detain the Convention but a few moments. I would remark at the outset, that the financial history of Arkansas has not been, during the twenty years for which I have been a citizen of the State, all that could have been desired. I regret, exceedingly, that there has not been greater financial success, in the State, than there has been. We have done but little. In our thirty-two years of existence as a State, we have certainly not kept pace with the improvements of the age. All this I am willing to admit. I have never felt a disposition to justify everything that has been done in the State. But it does seem to me, sir, that the truth generally lies between the two extremes; and I always think it safe to be moderate. I am willing, also, to admit that it might have been more pertinent for gentlemen upon this side of the house, to have discussed, directly, the merits of the question, than to have indulged in so much personality. It seems to me, however, at the same time, that it might have been well for the *Committee* to have discussed the question presented for their consideration, in a more moderate and respectful manner. And it occurs to my mind, that it would not have been presuming too much upon the intelligence of Arkansas, had they contented themselves with setting forth the facts, and leaving it to our judgment, when we should read the Report, to determine whether or not the people of the

State have shown themselves to be a band of "thieves and robbers." But, sir, not satisfied with this, they must inform us that the people with whom we have lived for all these years, have been a band of thieves and robbers, and we didn't know it. Thank you, gentlemen, for the intelligence! It occurs to my mind that when a man thinks that he is advocating a just cause, and that there is merit surcharging the cause which he espouses, he is willing and content to set forth the facts, and let intelligent people judge for themselves of the conclusions to be drawn from those statements.

The gentleman [Mr. Brooks] says that we labor, on this side of the house, to lug in, under the charges of this Report, the whole people of the State. No, sir; they are lugged in already. When you say that the whole people of the State, for thirty-two years, have elected, and re-elected, to office, men that were thieves and robbers, and who stole, session after session, and term after term, I challenge you to deny that you have charged the common people, at the ballot-box, with theft and robbery, in repeatedly elevating these men to office and power. And they will appreciate the compliment which these gentlemen pay them,—obtuse and stupid as the masses of Arkansas are! Sir, there is a brilliant intellect, that is found in the mountain gorge, or in the valley low, or in the desert waste. And the unlettered boy, whose eyes sparkle with the native genius that God Himself has poured into his brain, can read the truth, as the great theatre of the world passes it in review before him, without his being carried to Ohio and New England, and to all your learned institutions, in order to enable him to understand practical, common-sense facts. You can't humbug the people of Arkansas. There is more native power, there is more gigantic intellect, in this nest of "thieves and robbers," than you can boast in the region that borders the waters beyond the Mississippi. They came here thirty-six years ago,—left their fathers and their mothers, and all the comforts of home, to settle these Western wilds;—these men that have grasped the helm of government, and have guided the ship of state through sea and storm, are the intellects who have deserted their Eastern homes, to cast their fortunes with those of Arkansas. Go back to those older States, to-day; and on the Sabbath go to the church. Let your eyes scan the crowd. See the old veterans, that came there in early days—their noses like skillet-handles, their chins like pan-handles, their heads like sugar-loaves! [Laughter.] See your young men who have been raised on the pap supplied them by their Pa and Ma,—with their puny frames and smooth faces and sleek heads—no intelligence, no energy! And when we have come here and cut the roads, and built the bridges that you burned when you came, when we have built cities and towns, when we have established civil institutions and State government, when we have taken the Arkansas toothpick and driven it into the earth,—then *you* come here and tell us that we are a herd of thieves and robbers! I could take it much better from some other men. I remember an incident that took place at Paraclifta.——

Mr. HODGES, of Pulaski. I would like to ask the gentleman a question. Who burned the only railroad bridge in the State of Arkansas?

Mr. BRADLEY. I don't know anything about the burning of bridges. I have passed that. [Laughter from the right.]

Mr. HODGES. I would like to ask the gentleman another question. Has he ever attended church in the Northern States?

Mr. BRADLEY. I am telling an anecdote. I remember that, one day, at Paraclifta, I happened to look out upon the street, and saw two very drunken men. Presently, one of them staggered up to the other, and, taking him by the arm, addressed him thus: "Look here, you d——d drunken scoundrel, you! you go home to your wife! you're drunk! you oughtn't to be here in town!" "I know I'm drunk," returned the first; "but another d——d drunken thief shan't tell me of it!" and with that he pitched into him. [Loud laughter.] I want when I hear these denunciations, to quote Paul, and say: "Thou that preachest a man should not steal, dost thou steal?" I know that Arkansas has not dealt with its financial matters as it might have done; but O my God! when the picture of the actions of this Convention, and of the stupendous propositions which it has entertained, is brought in the comparison, I see the financial career of thirty-six years blush and hide, and dwindle into insignificance! [Laughter, and applause from the left.] Memorials to appropriate Hot Springs! and other enterprises that I might refer to,—and the gerrymandering projects that propose to destroy a representative system of government,—and efforts made to smuggle and smother the Minority Report, are among a few of their acts that ought to make devils blush. *They* talk about theft and robbery in Arkansas!

I have been here for twenty years; and the people have not stolen anything I had. I came here on foot, with $1.40 in my pocket, and a pair of saddle-bags on my shoulders. I have revisited my native State, and have met a hearty welcome; and were I to go back to-day, to that deserted land over which the besom of destruction has swept like a storm, I believe the people would be glad to see me. But I am a citizen, and a friend, of Arkansas—with all her faults, I love her people still. They may have seceded, and, in so doing have done wrong; they may have fought upon the wrong side of the question; but God in heaven, upon His throne, bears witness to the sincerity of their intentions, wrong though they may have been in choosing their side. We do not intend to rob this country. We want to establish a system of finance, here,—to use the gentleman's own language,—that will redeem, and, in point of financial health, elevate her, and place her higher than ever. But, O, the prospect! The cloud that rises in the West is dark, and the Eastern horizon promises nothing.

When I look out upon the sea on which we are launching, when I contemplate the boisterous billows over which you propose to drive the ship of state, I read nothing but shipwreck, and devastation, and ruin. But, if on board a ship, in a storm, and a piratical commander and crew should seize the ship's company, I would risk my chances by jumping overboard, and fighting with wind and wave, alone, risking the hopes of my cause in the providence of God, rather than sell out to the piratical commander and crew of a vessel. I am a citizen of Arkansas, with a wife and six children; and I am interested in the success of this country. I cannot back out of it. I am a tax-payer on six thousand acres of land, situated in three different counties of this State. I came here with nothing; I have inherited nothing; I have wrought out for myself all that I have and all that I am. My bone and muscle has been spent upon the soil of this my adopted State, has scaled every hill and mountain, and battled with the waves of every stream, within her borders; and I am to-day but the wreck of the man who once came to the State of Arkansas and drove his Jacob's staff into the soil. I am here; and, let the question end as it may, I cannot leave; I must stay here; and it is the interest I feel in these issues before the country, that induces me to stand here and expose my ignorance, speaking as I do to-day.

But, sir, I scorn, with indignation and contempt, in the Report of this beautiful Committee or elsewhere, any insinuation upon the honor, the intelligence, the integrity, of the people who live—who have lived—in the State of Arkansas. Ah, sirs! what citizen of Arkansas feels other emotion than that of pride, in recalling the name that is found first upon the annals of your Supreme Bench [turning to Judge Ringo, who stood in the lobby], or of the present occupants, or of all the intermediate list of its honored Judges? But ah! that bench in the future! when I gaze upon its prospects, I blush! When I see that audacity that does not hesitate to come forward, and denounce the judicial proceedings of the State for thirty-two years, I ask,—Modesty, modesty! art thou banished? hast thou left the land? art thou a spectator in the Convention hall?—Echo answers, No! [Laughter.] I like to see things done modestly. In the name of Heaven, in the name of your own honor and integrity [turning to the right of the hall], if you will not take the rebuke which that Minority Report upon the Penitentiary gives you, I give you up as hopeless, and as gone cases! [Laughter and applause on the left.] For God's sake be more modest and more respectful, and show that your strength lies in the force of facts, and not in your terms and expressions. You cannot make me, you cannot make Arkansas, a thief, by saying so. Lawyers rise and argue cases for hours; but you do not expect that the lawyer who argues the case will give the verdict.——

Mr. HODGES, of Pulaski. Did not the gentleman state, upon the floor, that if the Confederate Government had taken his advice, they would have stolen another Northern steamboat?

Mr. BRADLEY. Yes; I said that Governor Rector and the Convention had acted very foolishly; that if they had taken my advice they would have been a steamboat better off.

But what figure does that cut in the case? If such taunts as that are taken for argument,——

Mr. HODGES, of Pulaski. It was a suggestion that came to my mind,—hearing so much said about——

Mr. BRADLEY. I would hate to be responsible for all the suggestions that come to your mind! [Laughter.]

I resume my proper course of remark. I had spoken of the character of the people of Arkansas, and of the scorn with which I meet all such imputations upon their honor. Sir, I have travelled over the northern mountains of Arkansas; I know her people—the most generous, hospitable, noble-hearted, warm-hearted people I ever saw in any country lived within her borders, twenty years ago, and live here to-day. Society has been slightly adulterated, I confess; but we cannot help that. [Laughter.]

We are told, sir, in this Report, that the system of financiering pursued in this State has been one that could be "known only to thieves and robbers." Well, it never was known until that Committee found it out. That is all I have to say on that point. [Laughter.]

I have almost given up my hopes for this country. As I have sat here and listened to the debates and witnessed the proceedings, I have sometimes been ready to go by the water's edge—my friend Gantt is missing—as the Gazette said of him, I have felt like exclaiming, "Oh that my head were waters, and mine eyes a fountain of tears, that I might weep day and night for the slain of the daughter of my people!"

Mr. BROOKS. Who slew them? As the gentleman is going to weep for the slain, I would ask him, who slew them?——

Mr. BRADLEY. They were slain by the instrument that the Philistines fell by. [Great laughter.] And, sir, their ranks to-day, are falling as the weapon sweeps.

Sir, I want respectable action. I want decency observed—"let all things be done decently and in order," and "let us have charity one for another." I am a sort of apostatized minister of the Gospel [Laughter], and expected to have been reinstated by the association of the gentleman from Phillips [Mr. Brooks.] But the way he gnashes his teeth, does not harmonize with the thirteenth chapter of Corinthians. [Renewed laughter.] It does not manifest the same charity that, Paul says, "suffereth long, and is kind, envieth not, vaunteth not itself, is not puffed up, doth not behave itself unseemly, seeketh not her own, is not easily provoked, thinketh no evil; rejoiceth not in iniquity, but rejoiceth in the truth."

O, sir, give us that charity! it will overspread the foibles of our enemies; it will not insult, before the world, the misfortunes of a few honest men, who thought they had a right to vindicate their manhood, and fight for their hearthstones, their wives, and their children. If they were wrong, they were honest in their wrong; and charity bids us spread a mantle over their foibles, and "*rejoice not in iniquity*," but in the truth. "Let each esteem other better than themselves." "Be kindly affectioned one to another with brotherly love; in honor preferring one another; not slothful in business; fervent in spirit; serving the Lord." When the Chaplain prayed, this morning, that everything be done according to the will of God, I entered a long Amen, that I hope went to heaven. [Laughter.]

In the first speech I made here,—for which I have been hung and burned in effigy, almost,—I said that I stood in this Convention like a witness on the stand,—that I was neither a Republican nor a Democrat; and I was taken up, because I had not prostrated my sacred position, assumed under oath, and become a Republican, and a Radical, upon this floor. If I were a witness in a case where my brother was involved, I would not be a brother of the defendant in that case,—I would be a witness under oath. [Applause from the left.] If you intend to do what is right, while here under an oath which binds you truly to represent your constituents, and to do your unbiassed duty to your State and your country, you are not to know your brother in the flesh, any more than does the judge upon the bench. If you do, you are recreant to the trust the people have reposed in you, and belie your position before the civilized world. Sir, let us not legislate for party. When the question comes up for decision, to save the party or the country, I would send the party to hell, if necessary, to save the country and save my people. My affections are with them. I never can occupy my seat quietly, when the least insinuation or reflection comes, from strange lips, upon "the slain of the daughter of my people."

Let me inform you, sir, that at the coming day the prophet may shake his rod over the valley of dry bones, may yet say to these dry bones, LIVE. And a voice from the North,—from Ohio and Connecticut, from Pennsylvania and New York,—may come rushing like the peals of thunder, and say, "Son of man, can these bones live?" And the dry bones shall stand forth, and be covered with flesh, and shall breathe and speak! I anticipate, sir, that these extreme measures, this radical policy, shall arouse a feeling of sympathy, in the North, for people of their own race, flesh of their flesh, and bone of their bone, that shall come to *our* rescue; and that, in the morning of the resurrection of the just, Arkansas—*thievish* Arkansas, *robbing* Arkansas—will rise and come forth, clothed with the garment of righteousness,—when she shall have been purged and purified from the political invaders who have desecrated the State, and poured infamy and condemnation on her own citizens, her sons and her daughters. I tell you, sir, that when you slur the women of Arkansas, when you slur their sons, when you insinuate and reflect upon their husbands and fathers, you insult Heaven—there is a recording angel that frowns and writes, and writes and frowns; and you will remember, when you come to judgment, that Scripture which says: "All things whatsoever that ye would that men should do to you, do ye even so to them; for this is the law and the prophets." I say I cannot sit still and hear these things, and be silent. I do not think there is silence in heaven, this morning, about them. [Some laughter on the right.] No, sir! the guardian angel that hovers over the graves of the sacred dead, whose ashes are slandered and insulted with baseless and foul insinuations, carries back the tidings to the upper skies, and proclaims that darkness still pervades the deep, and sinners inhabit the earth! [General laughter.] But Arkansas is destined to rise superior to her misfortunes. She will oust the Radical wing. She is destined, sir, to another and a more glorious career. God has intended it. He has filled her bowels with boundless wealth; He has striped her with rivers; He will check her with railroads; and He has peopled her with noble spirits, who will represent and vindicate her honor, her integrity, and her intelligence. And if strangers, and pilgrims, and aliens, that know not God and obey not His Gospel, shall desecrate her soil, shall insult her sons and daughters, her legitimate children, I believe that in the resurrection of the just she shall yet reassert herself, and stand forth, purged of their slanders, a brilliant and honored bride.

[*To Mr.* HODGES, *of Pulaski.*] Anything more "suggested" to you about that steamboat? You have had it up, now, three times—have it up again.—

Well, if the gentleman has no more to offer upon that subject, I will close by saying that I hope this is the last time such a report as this will be brought in here. [*To the Chairman of the Committee on Finance.*] For Heaven's sake, never bring in one, if you can't make it a better report—let MASON, and WHITE of Phillips, make it out for you! [Laughter.] They can do it—they have displayed statesmanship, they have displayed dignity, they have shown a promptitude, in that Minority Report on the Penitentiary, that commends them to all good men. And if they had had the subject of finance under consideration, I believe we would have had a report which would not have consumed all this morning in discussion. I say that, with all due respect.

Mr. KYLE. I have listened to the very able and warm speeches we have had from the two clerical gentlemen who have last addressed the Convention [Messrs. BROOKS and BRADLEY] [Laughter]; and I think it might have been well for them to have called for mourners [Renewed laughter.]——

Mr. BRADLEY [*in his seat.*] I will call yet, if you say so.

Mr. KYLE. I think we would have had a happy time, sir! [Fresh laughter.]

I do not intend to enter into any elaborate discussion of this Report. But whilst I do not endorse the strong language used by the Committee, I must be permitted to say that unless the people of Arkansas—and I have had my residence among them for ten years, and know that *they* have had nothing to do with the direct management of the finances of the State, but, unfortunately, committed that management to the hands of political tricksters—unless the people belie the records of the country, there *has* been an unwarrantable, an utterly indefensible misapplication of the public funds. That fact *cannot be denied.* Where is the magnificent School-Fund, that this State ought to have had to-day, for the education of the poor and unfortunate children of the country? Where is it? And by whose management has it been squandered, till now, as the Report states, it is gone? I hold that the conclusions, at which the Committee have arrived, are true; though, whilst endorsing the truthfulness of the Report, I do not endorse the strong language they have used, in characterizing these parties as thieves and robbers. I have no knowledge that they were such. But, as I before remarked, unless history is greatly mistaken and belied, there was a party that controlled the destinies of this country from 1836, when the beautiful, young, and growing State of Arkansas was admitted into the Union of States—there was then, and there has continuously existed since, a party, ruling the destinies of this State, that has finally succeeded in utterly squandering its means, and engulphing it in ruin.

I know and feel, Mr. President, that I must suffer disparagement when I follow the distinguished and eloquent gentlemen from Bradley [Mr. BRADLEY] and from Phillips [Mr. BROOKS.] But when I am called upon to give my vote, I must vote in accordance with my understanding of the facts of the case; and I feel it a duty, in this instance, to express to the Convention the grounds of my vote. I would not have introduced this subject before this body; for I believe the peculiar business of the Convention, to which its time and labor should have been devoted, to be the framing of a Constitution, for submission to the people of the State; and this subject is one of a legislative character, and properly belongs to the Legislature of the State, for investigation, and publication of the facts before the people. But as the matter *has* been brought up, and the Report is now before us, and as I am satisfied that the facts set forth in the Report are true, I must, as an individual member of the Convention, take my action in accordance with that belief, notwithstanding my opinion that those facts might have been set forth in better selected language.

I asked what had become of the School-Fund? What has become of the Internal Improvement Fund of the State? That, too, is gone. Gone! And, as has been very emphatically inquired, who wrought this ruin? Who did it? Why, sirs, the very men who stood at the head—the party-leaders, if you please—of the State of Arkansas, and who inaugurated this Bank, for which the bonds of the State have been issued, and the money accruing from their sales squandered. They are the parties responsible for the misapplication of those funds. And who inaugurated the state of things that we have been taunted with here? Those very leaders who have always had the control of this State,—who inaugurated secession. [Applause.] Sirs, I stood up and resisted secession—as a celebrated man once said, "Solitary and alone I set the ball in motion"—in Southwestern Arkansas, and battled, all over my County, against distinguished men, and against odds; and was beaten by only some thirty or forty votes, with all the appliances and influences brought to bear upon the question. I have suffered all, at the hands of that party. I suffered a loss of not less that ten thousand dollars, by the burning up of cotton, and stealing of horses and mules, and pillaging of my house,—trunks and all,—at the hands of rebels. And now I am told that the party that inaugurated that state of things in the country, is to be whitewashed, here, and is not to blame for the squandering of the public money! [Applause.]

I am not able to enter into this discussion as I would wish. I have simply aimed to state my reasons for the vote which I shall give. My conscience will not allow me to do wrong. In what little I have ever done or said in public life, humble and unpretending as it may have been, I would always give a quietus to my conscience. I never would suffer party, and the affiliations of party, to govern me, and induce me to do what I believed and knew to be positively wrong. Whether appropriately or inappropriately introduced here, this Report has been made: I know, and we all must know, that the facts set forth and the conclusions arrived at are true: and, notwithstanding that the language employed is intemperate, and I do not endorse it, I must vote to sustain the Report.

Mr. HODGES, of Pulaski. I remarked that I had no speech to make; but, by consent of the Convention, I wish to read from a speech reported as having been made in the City of Little Rock, in September last, by the honorable gentleman from Bradley [Mr. BRADLEY.] It is all the speech I wish to make upon the subject.

Mr. CYPERT. I will just ask the gentleman if he knows whether the editor of the paper from which he reads, was at home when the paper containing the report of the speech was published. I do not want newspaper articles read here, unless the editor is here to endorse them.

Mr. BRADLEY. I will simply call the gentleman's attention to the fact that I went to Mr. Price [editor of the Little Rock "Evening Republican"] when I came to see the speech as it appeared in the "Republican," and told him my speech had not been correctly reported. I never signed that speech as my own, and never gave a copy to the editor, for publication. As an instance of the errors contained in the report,—I had said that I was opposed to disfranchising anybody—that was not published. Again, I was represented as saying that this Republican Party was a great party, because its principles made it great. I said nothing, whatever, of that kind. I told the editor, the speech, as published, looked more like a Hard-Shell Baptist sermon, than a speech of John M. Bradley. I deny the right of the gentleman to read the report, upon this floor.

Mr. HODGES. I beg leave to read a few remarks, from that speech. [Cries, on the right, of "Leave;" on the left, cries of "Object."]

The PRESIDENT. No leave is necessary. There is no reason why the gentleman should not proceed, if he desires.

Mr. HODGES. I would like to call on Mr. Price, to state to the Convention whether or not that is a correct report.

Mr. BRADLEY. He is an interested party, and therefore not a competent witness. I have charged him with misrepresentation.

Mr. CYPERT. I rise to a point of order. This cannot be pertinent to the question, I respectfully submit.

Mr. HODGES. It *is* pertinent to the question—it is immediately upon the question. I could never make a more pertinent speech, in my life.

The PRESIDENT. The gentleman from Pulaski [Mr. HODGES] will proceed. It cannot be determined whether it is pertinent or not, until it is heard.

Mr. HODGES proceeded to read, from the "Arkansas Weekly Republican," of September 25th, 1867, the following extracts from a report presenting a "synopsis of Col. J. M. Bradley's speech at the State House."

"We are, to-day, my friends, surrounded by many political difficulties, chargeable to ourselves as a people and State. In 1860 no people on the face of God's green earth were enjoying greater prosperity, or a more profound peace, than the citizens of this State. Not content with this, but chafing under imaginary wrongs, and the fear that our 'rights under the Constitution' might some time be interfered with, we sought to withdraw from a Government which, up to that time, had protected us in the rights of property and person, and had ruled us with a mildness and leniency unparalleled in the history of any government under the sun. I could enumerate blessings showered upon the people of the South by the United States Government, during our existence as a portion of the Union, and especially upon this State, but deem it unnecessary at this time."

Again:

"Now, my friends, the great question of all others, in this campaign, is,—what shall we do? There is but one thing we can do, and that is, to reconstruct; and there is but one way we can do this,—that is, under the present Congressional plan, and that, too, in a way to assure Congress, and the loyal people of this nation, that we mean just what we do and say. We must cast off the old leaders who ruled the State until they plunged it into the whirlpool of secession. I say, listen to their counsels no longer, but act as your judgment dictates. We must reconstruct the State ourselves, and not leave it to politicians—especially to those who have reduced the State to its present unhappy condition. Say, friends, do you ever stop and think over what the newspapers and old-time politicians offer you, in lieu of the present Reconstruction Acts? If you have not, just do so. I think you will discover that they offer no remedies whatever for the amelioration of our bankrupt and impoverished condition. I wish, right here, to say another word to you upon this point; and it is this; that when you hear the unreconstructed men and newspapers, through the country, telling the people to beware of the party favoring the Congressional plan of reconstruction, and charging upon them the desire to hold office as the only incentive for a restoration of the State, and that their leaders are men not identified with the interests of the country, but adventurers wishing to get control of the State to enrich themselves at the expense of the people—I say, when you see or hear this, just ask these men what they did, when controlling the destinies of the State. Ask them what they did with the munificent grants made this State, by the General Government, for schools and internal improvements? Ask them how many school-houses, levees, railroads, wagon-roads, and other improvements, they have given the State, out of all the land donated to the State by the General Government for this purpose. My friends, never was a people or State so badly ruled and governed as this was, while in the hands of the old politicians. What has become of all the taxes levied upon you, and put into the State Treasury for your good? I can tell you—in the pockets of the men who sat in the Legislature, last winter. This body squandered your hard earnings,—over $200,000,—during their short session; and what do you see in return for it? Nothing but a lot of useless laws upon your statute-books.

"Reconstruction would be an easy thing, were it not for these men who, not content with having involved their State in a bloody and causeless war, filled the land with widows and orphans, laying waste and making desolate the richest places of the State, wish to continue on in their opposition to the Government, and thus perpetuate military rule here, in place of civil government, because they cannot longer rule. It was rule or ruin with them before the war, and this is still their motto. I tell you, in all frankness, that I am satisfied that Congress never intends to place this State, or any Southern State which cast its fortune with the Confederacy, into the hands of the men who, by their counsels and deeds, brought on the late conflict of arms between the two sections of the country: much less will they do so, knowing, as they do, that the old leaders here are as rebellious in their hearts, and as much opposed to the principles handed down to us by the blood of our Revolutionary fathers, as they were in 1861."

Mr. BRADLEY. Allow me one word of explanation, as this passes.

The squandering of the public funds, by the Legislature, that I alluded to, was of the money they appropriated to the Penitentiary. [Great laughter.]

Mr. HODGES. There is a great deal more, of the same sort, which I will read, if it is agreeable.

Mr. DUVALL. I think this is all out of order, certainly—hunting up the speeches of gentlemen——

Mr. HODGES. I think so, too, and particularly of speeches reflecting so seriously upon the people of the State.

Mr. MONTGOMERY. I desire that the reading may proceed. I belong to the Committee on Finance; and I desire that this precedent for the statements of the Committee may be read.

Mr. BRADLEY [*in his seat.*] Let him go on.

A MEMBER [*in his seat.*] That is no precedent.

Mr. HODGES continued his reading of the report of Mr. BRADLEY's speech, as follows:

> "Terms are submitted to us for our acceptance or rejection; we are left to do as we please in this matter, and the results are with us. Let us, then, accept them in good faith, and get back into the old Union. Let us form a constitution which will in every way prove acceptable to Congress, and elect men to fill our vacant places in the councils of the nation, who will be received and admitted to seats. If we do not, then God only knows what will be our future lot. The old leaders in this State tell us to vote No Convention. Why do they do so? What do they offer the people, as a means of bettering their present condition? Nothing. Then why listen to such counsels? I have failed to see anything offered by them, as yet, which can in the least help the people. The questions now presented to us are grave and important ones, ones involving the future weal or woe of this people. I therefore beseech of you, my fellow-citizens, to pause and reflect before you go too far in this matter. Take not false steps. Think calmly and dispassionately, and as rational reasoning men act well your part. Discard old political hacks, who will try every way to control you, and have you vote in their interests,—which from the bottom of my heart I feel are not the interests of the people. I say that the men who are opposed to reconstruction, to-day, have not the interests of this State or nation at heart, and care nothing for the people.
>
> "Times have changed, and we are expected to keep up with them, or pass out of existence. I am glad that the time has come, in this country, when a man can and will be appreciated for his moral and mental worth, and not for his property or negroes. Reconstruct, and we will no longer have the Military Bill, or an army quartered in our midst. Nothing but this will relieve us from the present rule. Place no faith in stories that a great conservative party is springing up in the nation, North and South, which will soon sweep the Radical Party from political control."—

[Laughter.]

"It will not be until after we are in some way reconstructed, if such a thing ever happens.

"What promises were given you in 1860, by this great Conservative or Democratic Party? Were they fulfilled?—They were not; and those who told you they would be, knew better, and are telling you the same trash now. Vote a convention, and see if we can't restore our State to her old prosperity. Do not be afraid of names, but do your duty, regardless of what may be said of you politically. My friends, I have talked longer than I had intended,—etc.

"At the conclusion of this very able speech, which was frequently cheered by the assembled audience, the band struck up an enlivening air, and the crowd slowly dispersed."

[Laughter.]

Mr. MOORE. I have no right to make a speech——

Mr. BROOKS. I rise to a point of order. No member has a right to speak twice upon the same subject, until every other member wishing to speak shall have spoken.

Mr. MOORE. I rise merely to make inquiries, that I may be enabled to give an intelligent vote upon this question. I desire to ask the Chairman of the Committee, from what source they derive their information of the amount of "United States money seized,"—$250,000? I want to vote intelligently; hence I ask the question of the gentleman from Arkansas [Mr. McClure.]

Mr. HINDS. I rise to a point of order. We have already had two speeches from the gentleman from Bradley [Mr. Bradley],—one of them very ably read, but a few minutes since, by the gentleman from Pulaski [Mr. Hodges], the other delivered by the gentleman himself, upon the floor. That was undoubtedly out of order. I have allowed the matter to go on; but now the gentleman from Ashley [Mr. Moore] rises, before an opportunity has been given to others to speak. I think our rules should not be further infringed.

Mr. MOORE. I am only asking for information.

The PRESIDENT. The Chair would suggest that the gentleman from Ashley had better desist from his remarks until other gentlemen, who have not had the floor, are through speaking.

Mr. McCLURE. I will answer the question of the gentleman from Ashley. It appears that there were, in the City of Little Rock, in one office alone, at the breaking out of the rebellion, $100,000 of money belonging to the United States. The sum stated in the Report is, as there appears, a mere estimate, which has been placed at $250,000. It is supposed that at Fort Smith, and other points where there were National funds, there was a sufficient amount to make the total run to $250,000.

I have been informed that there was a party here who had ascertained the exact amount—some agent of the Government,—at the session of the last Legislative Assembly; but what that amount was, I have not been able to learn. It appears merely as a matter of estimate. If the sum was not really so large, the people are so much the better off.

Mr. MOORE. I suppose the gentleman will not object to my asking another question. From what source did the Committee derive their information that there was a School Fund of $11,893.94? I have the facts and figures before me; and I know what I am saying.

Mr. McCLURE. Of how much?

Mr. MOORE. The Seminary and Saline Funds amount to $11,893.94.

Mr. McCLURE. On the 1st day of May, 1861, about the time when secession commenced, this money was in the hands of the State; and the State was, of course, responsible for it, if it was illegally spent. If it was spent in opposition to the United States forces, the State itself was responsible, or the parties who spent it. The amount specified was the balance in the Treasury at that time.

Mr. MOORE. All I desire to say—and it is not a speech, at all—in reply to that statement is, that it is in conflict with the sworn Report of the Auditor, who makes the amount only $3224.77.

If the Report of the Committee is wrong in one point, perhaps it is wrong in all.

Mr. McCLURE. The Auditor made no sworn statement upon that subject, at all, or of anything from which such an inference is to be drawn.

Mr. MOORE. I understand that every statement given in by an official, in the discharge of his official duties, is given in under his official oath.

Mr. McCLURE. I will say, in the first place, that the Committee starts out with a statement of a School Fund of something over eleven thousand dollars. That, I say, is the statement of our Report. The amount for which the Auditor accounts, is, some four thousand dollars. I find I have not the exact figures of his statement now before me. He says that all the School Fund the State ever had, consisted of the proceeds of Saline Lands, and seventy-two sections of Seminary land. The proceeds of the Seminary lands, as shown by the printed exhibits in the office of the Secretary of State, which I take to be correct, are those stated in the Report of the Committee. The Committee's Report is based upon the report made to the first Legislature—or the last Legislature, for what I now remember—the report made to the Legislature of the State, upon this subject; and according to the report so made, the balance, as we have stated it, is the amount for which the State is responsible. If the books are wrong, we cannot help it. That was the only means I had of obtaining information. The Auditor, however, in his Report which exhibits this discrepancy with that presented to the Legislature, gives, instead of something over three thousand dollars, as represented by the gentleman, $1344.58, as the amount distributed among the counties; the balance having been placed in the hands of some one, who went for medicines, and lost it somewhere.

Mr. MOORE. W. H. Etter.

Mr. McCLURE. Yes—down near Brownsville. A curious use of school funds—to spend them for medicine.

QUESTION OF PRIVILEGE.

Mr. BROOKS. I rise to a question of privilege. As Major Price, the editor of the "Republican," has been severely criticized, in connection with the report, which has been read, of a speech of the gentleman from Bradley [Mr. BRADLEY], I think he should be allowed to make a statement, to the Convention, in his own defence. [Cries of "Leave," and of "Object."]

Mr. BRADLEY. One word of explanation. In the report of my speech, which has been read, I was represented as saying that we rebelled at a time when the United States was protecting us. I suppose no gentleman will deny that fact. The United States had been protecting us for thirty years. I was truly represented, so far as that goes. I hold that if we were engaged, for the thirty-two years of our State existence previous to the war, in theft and robbery, the United States was all that time protecting us in theft and robbery.

Mr. BROOKS. I rise to a point of order. I do not object to any gentleman making an explanation. I do not object to the gentleman from Bradley doing so. But I do object to his *gobbling* a privilege of that kind, and preventing anybody else from sharing it.

Mr. BRADLEY. The United States, I say, had been protecting us in the legitimate exercise of our functions as a State, and certainly not in theft and robbery.

The PRESIDENT. The gentleman from Phillips [Mr. BROOKS] asks leave for the editor of the paper which published the speech that has been read to the Convention by the gentleman from Pulaski [Mr. HODGES], to make an explanation. Will the Convention give the gentleman leave? [Cries of "Leave."]

Mr. CYPERT [*in his seat*]. I object.

The PRESIDENT. The Chair hears no objection.—

Mr. CYPERT. I just objected. I presume a precedent of that kind has never been known in any deliberative body. Mr. Price has his remedy, if any injustice has been done him. He is not a member upon this floor.

I object not to a controversy of the kind proposed, outside the Convention; but I certainly do in this house. It is unprecedented.

Mr. BROOKS. I have only to say that Major Price is an officer of this body. He is charged, by a member of the House, with publishing an erroneous report of a public speech delivered by that member. I claim it is not unprecedented; but that he ought, in all honor, to be allowed the privilege of an explanation before the body where the accusation is made, and at the time it is made.

I am not disposed, however, to press the request. I do not think he needs any vindication, either by his own explanation or otherwise; and as the gentleman and his friends object to an officer of the Convention, charged as he has been upon this floor, returning an explanation to the Convention, I withdraw the application.

Mr. HINKLE. I move to adjourn to Monday next, at ten o'clock.

Mr. CYPERT. I hope the Convention will not adjourn.

The PRESIDENT: The gentleman from White [Mr. CYPERT] will come to order.

The question was then taken upon the motion to adjourn, and, a division being had, the motion was agreed to, Ayes 33, Noes 24;

And thereupon, at 12.15, P.M., the Convention adjourned to 10, A.M., of Monday, February 10th.

TWENTY-SEVENTH DAY.

MONDAY, *February* 10*th*, 1868.

Convention met at 10, A.M.

Prayer was offered by the Chaplain.

The roll was called; and the following members answered to their names:

Messrs. Beasley, Belden, Bell, Bradley, Brashear, Brooks, Coates, Corbell, Cypert, Dale, Duvall, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hollis, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Matthews, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Moore, Norman, Oliver, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Reynolds, Rounsaville, Sams, Samuels, Sarber, Scott, Shoppach, Sims, Smith, Snyder, Van Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President.

SICK: Mr. Merrick.

EXCUSED: Messrs. Hodges of Crittenden, and Owen.

A quorum of the members of the Convention having answered to their names:

The Journal of the preceding day was read and approved.

IZARD COUNTY ELECTION.

Mr. REYNOLDS. Mr. ADAMS, member from Izard County, is present, and desires to be qualified.

Mr. McCLURE. I move that the gentleman's credentials be referred to the Committee on Elections.

Mr. MOORE. The case has already been acted upon.

Mr. GANTT. It has been referred to the Committee, once before; and a report was made, entitling the gentleman to his seat.

The PRESIDENT. The minutes have not been read.

Mr. REYNOLDS. I believe this is a privileged question, and entitled to be heard at any time.

The PRESIDENT. What is the motion before the Convention?

Mr. REYNOLDS. I move that he be permitted to take his seat, and be qualified.

Mr. SARBER. I have understood, since I have been here, that the gentleman in question is not a resident of that County.

Mr. DALE. I do not exactly remember, at this time, what the report of the Committee on Elections was, in regard to the title of this gentleman from Izard, to a seat. However, I do remember what was the action of the Committee in regard to the first claimant, at the time. But I understand, from what I regard as a reliable source, that the gentleman who presents himself here for admission, is not a resident of Izard, and was not at the time he claimed his seat. Therefore, I think it would be proper, under the circumstances, to refer the matter to the Committee on Elections, that they may investigate the question, and ascertain whether or not the gentleman is a resident of the County which he claims to represent.

The PRESIDENT. The Committee, as the Chair understands, has already reported that the gentleman is entitled to his seat.

Mr. HODGES, of Pulaski. That being the case, I move a re-reference of the matter, to the Committee on Elections.

Mr. REYNOLDS. I wish to state that the gentleman was born in the County, and has lived there ever since. These statements are made, here, for I know not what purpose. It may be, to procure a reference to the Committee, and so to place the question again before the Convention.

But the statements are not founded upon facts. I ask that such propositions should be at least founded upon some authority.

Mr. SARBER. Do you claim that the gentleman is a resident of the County?

Mr. CYPERT. I *know* that to be true. I have known the gentleman for fifteen years, have known his residence, and know that he has always lived in the County.

The PRESIDENT. The question is upon the motion to recommit.

Mr. MOORE. Mr. President——

The PRESIDENT. The question is not debatable,—although these explanations have been permitted.

Mr. MOORE. I wish to ask a question. Will it, after a resolution has been passed, admitting the gentleman to his seat, be in order to recommit, without a previous reconsideration of that resolution? It is only for information that I ask.

Mr. CYPERT [*in his seat.*] It is in order, too.

The PRESIDENT. The Chair is not clear upon the subject, but is inclined to think that the motion to recommit is in order.

Mr. CYPERT. I understand that a motion to recommit, under ordinary circumstances, before the adoption, by the house, of a report or resolution presented by a committee, is in order; but after the adoption of the resolution admitting the gentleman to his seat, he is certainly entitled to it, and his claim cannot be recommitted, without rescinding the resolution already passed.

Mr. MOORE. If I understand the situation of the question, the Committee on Elections reported the gentleman from Izard entitled to his seat, and that the contestant, Mr. Toney, be allowed his mileage, inasmuch as he had a reasonable ground to believe himself a duly elected delegate, having a certificate of election from one of the Registrars of the County. That resolution was adopted by the Convention, and is a part of the records of the Convention. All, then, that is necessary, is, that Mr. Adams be sworn in.

Mr. McCLURE. I desire that reference may be made to the Journal of the proceedings, that we may know the present state of the case.

The PRESIDENT. The Chair has already directed the Secretary to refer to the Journal, that the Convention may know the state of the question.

Mr. HODGES, of Pulaski. Does the Chair rule the motion out of order? If so, I will move to reconsider the vote.

The PRESIDENT. If the Report of the Committee has been properly stated, and the claimant has been by resolution declared entitled to his seat, the motion to recommit will be out of order. The Chair wishes to see the facts of the case, before making that decision. That portion of the Report, referred to, if such a report was indeed made, had escaped the recollection of the Chair, when the regularity of the motion to recommit was spoken of.

[Pending the time consumed in the SECRETARY's search for the record in question:]

The PRESIDENT remarked:—If there is no question as to the facts, the statement made to the Convention will be considered as correct.

Mr. McCLURE. I beg that we may have the best evidence. I prefer to see it.

Mr. BEASLEY. I am satisfied that it was declared, and acted upon by the Convention, that Mr. Adams was entitled to his seat.

The PRESIDENT. The gentleman from Arkansas [Mr. McCLURE] calls for the record.

Mr. SARBER. I think I can satisfy the gentleman as to the point, as I proposed the resolution.

Mr. REYNOLDS. I presume the only question is, whether the Chair is sufficiently satisfied with the statement offered, to make a decision——

The PRESIDENT. The Chair has no recollection as to what disposition was made of the matter. The Chair merely recollects that the matter was before the Convention.

Mr. BRADLEY. Has the other claimant from Izard been occupying his seat, all the time?

The PRESIDENT. He has not.

Mr. BRADLEY. By what decision was he debarred of his seat?

The PRESIDENT. By the report of the Committee on Elections.

Mr. BRADLEY. The Committee must have so reported, and the Convention taken action accordingly, or that gentleman would have occupied his seat all the time.

The PRESIDENT. The Secretary is engaged in searching the record.

The FIRST ASSISTANT SECRETARY read, from the Journal of January 23d, as follows:

> Mr. SARBER, from the Committee on Elections, reported the following in relation to a seat claimed in this Convention by L. D. TONEY, and asked that the Committee be discharged from the further consideration of the case, which was granted.
>
> Mr. GANTT moved its adoption; which prevailed.*

Mr. SARBER. Where is the Report?

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* NOTE. In the making up of the Journal, the record of the action taken upon the Report of the Committee, was made to precede the entry of the Report itself. The Assistant Secretary, in reading the record, consequently failed to observe the subsequent insertion of the Report: hence arose the discussion that follows; which, however, having given rise to a call of the yeas and nays, the Reporter has not felt at liberty to omit.

The FIRST ASSISTANT SECRETARY replied: It would appear that there was a verbal statement only.

Mr. SARBER. I handed in, myself, the Report, in writing; and attached to that Report was the resolution, declaring that this gentleman was entitled to his seat; and, if I remember rightly, it was passed upon by the Convention and adopted. The Report must have been mislaid.

Mr. CYPERT. I will make this remark in regard to the minutes. It is proper that all reports be spread upon the minutes; if it is not done, we will have to have the proceedings recorded again. "Reporting the following," without presenting upon the minutes that which is reported, is an absurdity. "*The following*," is following it into a pigeon-hole. The Report ought to go upon the records. And as one of the Committee appointed to revise the final copy of the record, I must confess that I am not really attending to it, not supposing the interference of the Committee habitually necessary. But if that great error has happened in one thing, it will put me to the necessity of looking over the books. I hope I shall not be put to that necessity. The minutes should at least be correct, and incorporate "the following," so as to show what "the following" was.

The SECRETARY, by direction of the PRESIDENT, read, for the information of the Convention, from the Little Rock Daily Gazette:

"Mr. Sarber, Chairman of Committee on Elections, submitted a report assigning the seat for Izard to W. W. Adams, but declaring L. D. Toney, the other claimant, entitled to mileage from his home and back. Adopted."

Mr. CYPERT. That is not the record?

The SECRETARY. No, sir; that is from a newspaper report of the proceedings.

Mr. CYPERT. I want the records to show the fact.

The SECRETARY. The records shall show it, if gentlemen will only give us time.

Mr. HODGES, of Pulaski. I move that the records be made to show that the fact was as stated.

The PRESIDENT. If there is no objection, the record will be so amended.

Mr. McCLURE. I object. I have no recollection of any such transaction.

Messrs. CYPERT and HICKS [*in their seats.*] The Committee so state it.

Mr. MOORE. The whole Convention is not to be overruled by the recollection, or want of recollection, of the gentleman from Arkansas [Mr. McCLURE.]

The PRESIDENT. If the Convention is to proceed with business, either the record must be corrected, or the matter must be deferred, in order to afford the Secretary opportunity to refer to the files of Reports.

Mr. MOORE. I ask, then, that the gentleman may be sworn in.

The PRESIDENT. The gentleman from Pulaski [Mr. HODGES] moves that the records be so amended as to show that the Committee on Elections reported Mr. ADAMS entitled to a seat, as delegate from Izard County.

Mr. MONTGOMERY. I am opposed to having the minutes amended upon this authority. If we can have the Report itself spread upon the minutes, I would agree to it. I move a postponement of the consideration of the subject, until to-morrow morning.

Mr. CYPERT. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative,—Yeas 30, Nays 32, as follows:

YEAS: Messrs. Belden, Brashear, Brooks, Coates, Exon, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hinds, Hodges of Pulaski, Hutchinson, Johnson, Langley, Mallory, Mason, Montgomery, Murphy, McClure, Oliver, Poole, Priddy, Rector, Samuels, Scott, Sims, Snyder, White, Williams, and the President—30.

NAYS: Messrs. Corbell, Cypert, Dale, Duvall, Evans, Gantt, Harrison, Hicks, Hinkle, Hollis, Hoge, Houghton, Kyle, Matthews, Misner, Millsaps, McCown, Moore, Norman, Portis, Puntney, Rawlings, Rounsaville, Sams, Sarber, Shoppach, Smith, Van Hook, Walker, Wilson, Wright, and Wyatt—32.

So the Convention refused to amend the record.

Pending the call of the roll:

The name of Mr. ADAMS being called by the SECRETARY, and he having answered "No,"

Mr. CYPERT said: The gentleman's name has been called, he has answered to it; and his vote has not been counted.

The PRESIDENT. The gentleman [Mr. ADAMS] has not been sworn in; and his vote cannot be counted until he has qualified.

Mr. BROOKS (when his name was called) said: I have not asked to explain a vote, since I have been here. I do not regard this matter as at all important; yet I wish to vote for the postponement, and to explain that I do this, not to dodge this question, in any form whatever, but in order that the Secretary may have time allowed him to look up the Report, which, no doubt, is on file. And I will state that it is not a universal custom, at all, for Secretaries to spread upon the Journal everything of this kind. It is usual, under such circumstances, if documents of this character are not spread upon the Journal, to refer to them, by number or letter of file, that they may appear upon the Journal. I vote Aye, in order that the Secretary may have time to search his files.

Mr. CYPERT (when his name was called) said: I know it *is* usual for the minutes to show reports of committees. When a report is referred to as "the following," it should appear upon the minutes. If it was adopted, or rejected, by——

Mr. MONTGOMERY. I rise to a point of order.

Mr. CYPERT. Why didn't you rise before, when the gentleman from Phillips [Mr. BROOKS] was up?

[Mr. MONTGOMERY not insisting upon the point of order,]

The PRESIDENT permitted Mr. CYPERT to proceed.

Mr. CYPERT. I believe every gentleman in this house is fully satisfied that the action of the Convention was as has been represented; and I do not wish to postpone, the granting of a right already awarded by the Convention. I vote No.

Mr. DUVALL (when his name was called) said: I vote No; because, I know that the Report which has been read [from the "Gazette"] is correct.

Mr. HATFIELD (when his name was called) said: I was a member of that Committee; and I ask to be excused from voting.

Mr. CYPERT [*in his seat.*] I object: we can't excuse you.

Mr. HATFIELD. Aye. I now wish to explain my vote. I will state, that in my recollection, that Report was handed in, and action of the Convention was taken in regard to the cases of Messrs. MOORE and NORMAN, but that in regard to the gentleman from Izard County, there was no vote taken. Consequently, I have voted Aye.

Mr. SARBER (when his name was called) said: I was Chairman of the Committee on Elections, at the time; and I have already stated that I am satisfied the gentleman [Mr. CYPERT] is correct in his recollection of the fact of the presentation of the Report; and to the best of my recollection, it was adopted—I am not positive. As charges, however, have been made, since that time, that this gentleman is a non-resident, and in order that we may have time to ascertain the truth of those charges, I should favor postponing our action. Yet I think we have no *right* to go behind the record; and I therefore vote No.

The vote, as above stated, having been announced:

Mr. MOORE said: I now move that the gentleman from Izard [Mr. ADAMS] be sworn in and take his seat.

Mr. REYNOLDS. Upon that I demand the previous question.

Mr. MONTGOMERY was recognized by the Chair.

Several MEMBERS [*in their seats.*] He is out of order. The previous question was moved.

The PRESIDENT. The call was not seconded before the gentleman from Hempstead [Mr. MONTGOMERY] was recognized.

Mr. McCLURE. I rise to a point of order. I have not heard the question stated by the Chair.

The PRESIDENT. The gentleman is correct. The Chair will now state the question. The motion before the Convention is that of the gentleman from Ashley [Mr. MOORE], to swear in the delegate from Izard County.

Mr. REYNOLDS. I demand the previous question upon that motion.

The question being taken upon the demand for the main question, and a division being called for, the number (which was not announced) of those voting in the affirmative and in the negative was found to be equal. Before the consequent result was declared,

Mr. HODGES, of Pulaski, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative,—Yeas 35, Nays 29, as follows:

YEAS: Messrs. Beasley, Bell, Bradley, Brashear, Corbell, Cypert, Dale, Duvall, Evans, Gantt, Harrison, Hicks, Hinkle, Hollis, Hoge, Houghton, Kyle, Matthews, Misner, Millsaps, McCown, Moore, Norman, Portis, Puntney, Rawlings, Reynolds, Rounsaville, Sams, Shoppach, Van Hook, Walker, Wilson, Wright, and Wyatt—35.

NAYS: Messrs. Belden, Brooks, Coates, Exon, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hinds, Hodges of Pulaski, Hutchinson, Johnson, Langley, Mason, Montgomery, Murphy, McClure, Poole, Priddy, Rector, Samuels, Sarber, Scott, Sims, Smith, Snyder, White, Williams, and the President—29.

The question recurring on the motion that the oath of office be administered to Mr. ADAMS,

Mr. HODGES, of Pulaski, asked for the yeas and nays.

The yeas and nays were ordered.

Mr. CYPERT said: I understand that the gentleman has been already admitted to his seat, as——

Mr. HODGES, of Pulaski. I rise to a point of order. I say the records show nothing of the kind.

Mr. CYPERT. I know that the facts state it, whether the records do or not; and I cannot be responsible for the record's not showing it. I know it is there; and I defy any man to deny it.

Mr. BELL. Does the record show that the gentleman is entitled to the seat?

The PRESIDENT. That is a question on which the Chair does not propose to decide, as it is disputed.

Mr. BROOKS. I call for the re-reading of the resolution, upon that point.

The PRESIDENT. The re-reading is out of order, unless by consent. The previous question has been ordered; and the main question must now be put.

After some remarks on the parliamentary aspect of the question before the Convention,

The question was taken; and it was decided in the affirmative,—Yeas 40, Nays 25, as follows:

YEAS: Messrs. Beasley, Bradley, Brashear, Coates, Corbell, Cypert, Duvall, Evans, Gantt, Grey of Phillips, Hoge, Harrison, Hicks, Hinkle, Hollis, Houghton, Kyle, Mallory, Matthews, Misner, Millsaps, McCown, Moore, Norman, Poole, Portis, Priddy, Puntney, Rawlings, Reynolds, Rounsaville, Samuels, Sarber, Scott, Shoppach, Van Hook, Walker, Wilson, Wright, and Wyatt—40.

NAYS: Messrs. Belden, Bell, Brooks, Dale, Exon, Gray of Jefferson, Hatfield, Hawkins, Hinds, Hodges of Pulaski, Hutchinson, Johnson, Langley, Mason, Montgomery, Murphy, McClure, Oliver, Rector, Sims, Smith, Snyder, White, Williams, and the President—25.

Pending the call of the roll:

Mr. BELL (when his name was called), insisting that, if within the knowledge of the Chair, it should be stated whether the Convention had declared the claimant from Izard entitled to a seat,

The PRESIDENT stated that, from the reading of the Journal, two opinions prevailed upon the subject.

After further remarks,

Mr. BELL asked to be excused from voting.

Objection being made,

Mr. BELL voted No.

Mr. BRASHEAR (when his name was called) said: I believe this is the first time I ever rose to state a reason for my vote. The understanding I had from the Chairman of the Committee was, that Mr. Adams was entitled to a seat. The record has been read. My recollection, in the matter, has been confirmed by the reading of an extract from some newspaper. The records do not show the fact; yet I am satisfied of it; and I am, therefore, compelled to vote Aye.

Mr. BROOKS (when his name was called) said: I, also, wish to explain. I never pretend to rely upon my remembrance, or the remembrance of any other gentleman, with respect to official proceedings of this character. We have referred to the Journal; and, as I recollect the reference, the Journal does not show the fact which some gentlemen recollect. I have asked for the reading of the Journal, on the point, simply as a matter of information, in order that we might be enabled to vote intelligently, taking the record as a basis. That is declined. We tried to get a postponement of the matter, with the object of obtaining, from the files of the Secretary, the information. That has been denied. In view of these facts, I vote No.

Mr. DALE (when his name was called) said: Having acted as a member of the Committee in this case, and having, as I remember, after reading the Journal, become convinced that the seat was declared properly to belong to a gentleman of the name of ADAMS, and as there seems to be so much tenacity exhibited, about the matter, by certain gentlemen, I propose to do what I think is right, in this case as in all such cases, regardless of what other people think. I have never so much as thought of explaining my vote, on any other occasion. Inasmuch as there may be difference of opinion in regard to this matter, and inasmuch as gentlemen have pushed the thing with such tenacity, I think there may possibly be something rotten in Denmark, and I cannot vote for any man unless I know he is the man, whether he has credentials or not.

A MEMBER [*in his seat.*] Here are his credentials.

Mr. DUVALL (when his name was called) expressed his belief that Mr. ADAMS had been entitled to his seat; and accordingly voted Aye.

Mr. EXON (when his name was called) said: To the best of my recollection, the resolution declaring Mr. ADAMS entitled to a seat, was never adopted; and I therefore vote No.

Mr. GANTT (when his name was called) said: I was a member of the Committee on Elections. The matter was deliberated upon in the committee-room. There was not a solitary member of the Committee that was not of opinion that Mr. ADAMS was the duly elected delegate to this Convention, from the County of Izard. The question was then raised whether, in view of all the circumstances in reference to Mr. Toney's attendance at Little Rock, he was entitled to mileage. The Committee was of opinion that he was so entitled.

Mr. GANTT proceeded with a further statement of facts in reference to the presentation of the Report, and the adoption of the resolution declaring Mr. ADAMS entitled to a seat; and recorded his vote in the affirmative.

Mr. GREY, of Phillips (when his name was called) said: I dislike the idea of degenerating into a voting machine; and I would like to know what I am voting upon. I have understood that Mr. ADAMS' name has been called, more or less, as a member of the Convention.

Mr. BRADLEY [*in his seat.*] Every day.

Mr. GREY. Under the circumstances, I cannot, in accordance with my conscientious opinions, vote otherwise than Aye.

Mr. HATFIELD (when his name was called) said: As gentlemen of the Committee have positively declared that they do know so and so, and that the resolution was passed, I, as a member of that Committee, will say that I have no such recollection, and do not believe that the resolution was voted on in the Convention. I therefore vote No.

Mr. HODGES, of Pulaski (when his name was called), said: Let me explain my vote, this time. Having discovered that that Report was presented, and acted upon, I endeavored to have the decision of this question put off, until it could be placed in shape. I also, before the present motion came up, endeavored, by motion, to put the matter in shape. But the gentlemen on the other side have refused to do anything of that kind, and have sprung the question upon us in its present form. Mr. TONEY, who waited until the Report was made, went away without even asking a certificate for his mileage, understanding that the Committee had not voted upon it, in any shape or manner. I therefore vote No.

Mr. HOGE (when his name was called) said: I remember distinctly, and would be sworn now, that that Report was acted upon by this Convention. I vote Aye.

Mr. HUTCHINSON (when his name was called) said: I was one of the members of the Committee; and my recollection is, that the conclusion reached was that Mr. TONEY should have his mileage, and that Mr. ADAMS was entitled to a seat. But inasmuch as that Report has not gone regularly upon the Journal, and a difference of opinion seems to exist, it would seem to me desirable that the matter should be deferred, the question thoroughly analyzed, and all parties more generally satisfied, in regard to it, than at present. I feel that Mr. ADAMS is entitled to his seat; but, with the views which I entertain of the propriety of further investigation of the subject, I preferred postponing its consideration until to-morrow morning. I therefore vote No.

Mr. MALLORY (when his name was called) said: I believe this is the only time I have ever asked to be excused from a vote in this body.——

Mr. CYPERT. Here is the record, as stated,—the full report and resolution adopted by the Convention. As gentlemen have disputed my word, I call for the reading of the record.

Mr. MALLORY. I submit a point of order. The reading of the record has been refused.

Mr. CYPERT. I don't care if it has: my veracity has been questioned, and I demand that the record be read.

Mr. BROOKS. I call for the enforcement of order. If the Sergeant-at-Arms has to do it, let it be done.

The PRESIDENT. The Chair proposes to keep order, himself. The Chair has already refused the reading of anything in connection with the previous question, and decides, that, in accordance with parliamentary law, the refusal will be adhered to.

Mr. MALLORY. I rose to explain my vote, and still propose to do so. Whatever the Committee may have reported, I wish to know if the credentials of the gentleman from Izard [Mr. ADAMS] have been presented.

Mr. REYNOLDS. Yes, sir; I have them in my possession.

Mr. MALLORY. I am not asking of any gentleman, but of the authority from which——

[Mr. REYNOLDS sent to the Secretary's desk the credentials of Mr. ADAMS.]

Mr. MALLORY asked to be excused from voting.

Objection being made,

Mr. MALLORY said: Then I vote Aye. [Some applause from the left.]

Mr. MONTGOMERY (when his name was called) said: I have never taken occasion to explain a vote; but have always, until now, taken for granted that my vote would be understood. My reason for voting as I shall, is, merely, in the fact that the gentlemen desiring the admission of the gentleman from Izard, called for the reading of the records, stating, at the time, that they did so in order to base their vote upon the reading of the record. I propose, now, to base my vote upon the record; and unless there is something upon the official records of the Convention to show that this gentleman is entitled to his seat, we cannot possibly, until the record shall be changed, vote to admit him. I do not desire any injustice to the gentleman; for I presume he will be entitled to his pay, from the time he arrives here, at all events. I shall vote No.

Mr. MURPHY (when his name was called) said: I beg to be excused from voting.

Mr. CYPERT [*in his seat.*] Let him be excused.

Objection being made,

Mr. MURPHY voted No.

Mr. McCLURE (when his name was called) said: The records were read before this vote was taken. It appears that there is no record of the Report of the Committee, or any accompanying resolution. I submit that gentlemen are proceeding rather too hastily. There is no record of the presentation of this gentleman's credentials, or of any application, on his part, for admission. The motion is, simply, that the gentleman be sworn in. In that state of affairs, we have but one thing to which to appeal; and that is not the recollection of individuals, whose recollection, perhaps, may happen to be in accordance with their partisan views. The record, so far as it has been read, does not sustain the statement that the Convention has passed any resolution declaring this gentleman entitled to a seat. If the credentials had been presented, and it had been then asked that the gentleman be sworn in, we would have been in a different position. But as the matter stands, I desire to enter upon the record my protest that no credentials have been presented.

Mr. CYPERT. I wish to ask the gentleman [Mr. McClure] one question. It is true, he is explaining——

The PRESIDENT. The gentleman from White [Mr. Cypert] is out of order. Let the call of the roll proceed.

Mr. MOORE (when his name was called) said: I offered the motion that Mr. Adams be admitted to his seat, and be qualified. I knew, when I made the motion, what the action of this Convention had been. I knew that the Committee had reported a resolution, recommending the admission of Mr. Adams to his seat. I did not then know that any statement of that fact was upon the minutes. I now know that it is upon the records of this Convention. I am not voting on the strength of memory. My memory was good, however; and after a reference to the record it is no better than when I made the motion. I know the Convention allowed the gentleman his seat; and I am not responsible for the want of memory of gentlemen on the other side of the house, who do not desire to remember facts that are not in accordance with their wishes. I shall therefore vote Aye.

Mr. SAMS (when his name was called) said: As I cannot appeal to the minutes, I desire to be excused from voting.

The PRESIDENT. The Chair has already stated that, under parliamentary law, it is improper, after the call for the previous question, even to read a paper; and the decision is final, unless appealed from.

No objection being made,

Mr. SAMS was excused from voting.

Mr. SAMUELS (when his name was called) said: I do not know that I can vote on this question, and give an honest vote, unless I know what I am doing.

Mr. CYPERT. Let him be excused from voting.

Mr. JOHNSON [*in his seat.*] No excuses.

Mr. SAMUELS voted Aye.

Mr. SARBER (when his name was called) said: I have no particular desire to explain my vote; but as I was a member of the Committee, and as I rely principally upon my memory, in opposition to the records, and am perfectly satisfied, in my own mind, that we did make that report, though I am not satisfied as to whether the Convention adopted it or not, —under these circumstances I think, since the simple admission of the gentleman to his seat cannot prejudice our right, at any time, to refer to any committee, for investigation, the subject of any other disqualification that may be alleged against him, I will vote Aye.

Mr. SMITH (when his name was called) said: I believe I have not asked to explain my vote in this body, on any occasion. I will not do this gentleman [Mr. ADAMS] any injustice. If he is entitled to his seat, I will vote that it shall be accorded him. But inasmuch as the records, so far as read, do not show him to be so entitled, and from the fact that his credentials are not before the Convention, I vote No.

Mr. SNYDER (when his name was called) said: I have no disposition to do any one injustice; but as this matter seems to be involved in uncertainty, and as the gentleman will certainly suffer no injustice from our allowing sufficient time for investigation, I vote No.

The PRESIDENT (when his name was called) said: Gentlemen of the Convention: As an individual, I am *now* aware of the state of this question; but as a member of the Convention I am not supposed to know anything more of it than any one who has voted. With that understanding, I vote No: but had I, in my official capacity, known the state of affairs as I do as an individual, I should have voted Aye. Although I can see the record, I have no right to know it as an officer.

The vote was then announced as above.

QUALIFICATION OF MR. ADAMS.

The credentials of Mr. W. W. ADAMS, member from Izard County, were then presented; he appeared in his seat, and the prescribed oath of office was administered to him by the PRESIDENT.

IZARD COUNTY ELECTION—AGAIN.

Mr. GANTT. It has been positively asserted, here, that the Report of the Committee on Elections, in the case of Mr. ADAMS, was not adopted by the Convention. I now move that the record be read.

Mr. McCLURE. I object to the motion, as out of order. The minutes of the Convention have been read and approved. The question has been already settled. The reading of the record is foreign, now, to any issue before the Convention. I move that the Convention now take up the regular order of the day.

Mr. GANTT. I insist upon my motion.

Mr. MOORE. The question has been passed upon by the Convention. I desire that the record be now read, in order that the actual state of the case, in the matter of the Report of the Committee, may appear.

The PRESIDENT. The Chair does not understand that, in the discussion upon that matter, gentlemen did not do more than to state various opinions. They have not stated the fact positively.

Mr. CYPERT. *I* stated the fact positively; which was denied by the gentleman from Pulaski [Mr. HODGES]; and I desire that the record be now read, to decide between us.

The PRESIDENT. It was stated as matter of opinion, merely.

Mr. CYPERT. I stated the fact to be true, and defied any gentleman to deny it.

Mr. DUVALL. In my explanation, I asserted the facts to be as I stated, to my certain knowledge.

Mr. HICKS. If gentlemen on the other side do not wish to be set right upon this question, and contend that they shall remain in ignorance, I have no objection.

The PRESIDENT. The gentleman will come to order.

Mr. HODGES, of Pulaski. We are willing to abide by the showing of the Journals. If they do show the fact as stated, it is all right. I was of that opinion from the first.

The PRESIDENT. The whole matter is out of order. Gentlemen must come to order. The Secretary will read the Journal of Saturday's proceedings.

The Journal of Saturday was read and approved.

Mr. HINDS moved that the Convention take a recess until 7 o'clock, P.M.

The question was taken; and the motion was agreed to;

And thereupon the Convention took a recess till 7, P.M.

EVENING SESSION.

At 7, P.M., the Convention was called to order.

The roll was called; and the following members answered to their names:

Messrs. Adams, Beasley, Belden, Bell, Bradley, Brashear, Brooks, Coates, Corbell, Cypert, Dale, Duvall, Exon, Evans, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Matthews, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Moore, Norman, Oliver, Poole, Portis, Priddy, Puntney, Rawlings, Rector, Reynolds, Rounsaville, Sams, Sarber, Scott, Shoppach, Sims, Smith, Snyder, Van Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President.

A quorum of the members of the Convention having answered to their names:

THE CONSTITUTION.

Mr. BROOKS said: The Committee on the Constitution, its Arrangement and Phraseology, is, I believe, ready to report; and I move you, therefore, that the rules be suspended, for the purpose of hearing and acting upon the Report of said Committee.

The question was taken; and the motion was agreed to.

Mr. HODGES, of Pulaski, on behalf of the Committee, submitted the following

REPORT OF COMMITTEE ON THE CONSTITUTION, ITS ARRANGEMENT AND PHRASEOLOGY.

CONSTITUTION OF THE STATE OF ARKANSAS.

PREAMBLE.

We, the people of the State of Arkansas, grateful to God for our civil and religious liberties, and desiring to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this Constitution.

ARTICLE I.

BILL OF RIGHTS.

SECTION ONE. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people; and they have the right to alter or reform the same whenever the public good may require it. But the paramount allegiance of every citizen is due to the Federal Government, in the exercise of all its Constitutional powers, as the same may have been or may be defined by the Supreme Court of the United States; and no power exists in the people of this or any other State of the Federal Union, to dissolve their connection therewith, or perform any act tending to impair, subvert, or resist the supreme authority of the United States.

The Constitution of the United States confers full powers on the Federal Government, to maintain and perpetuate its existence; and whensoever any portion of the States, or the people thereof, attempt to secede from the Federal Union, or forcibly resist the execution of its laws, the Federal Government may, by warrant of the Constitution, employ armed force in compelling obedience to its authority.

SECTION TWO. The liberty of the press shall forever remain inviolate. The free communication of thoughts and opinions is one of the invaluable rights of man; and all persons may freely speak, write, and publish, their sentiments on all subjects, being responsible for the abuse of such right.

In all criminal prosecutions for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted.

SECTION THREE. The equality of all persons before the law is recognized and shall ever remain inviolate; nor shall any person ever be deprived of any right, privilege, or immunity, nor exempted from any burden or duty, on account of race, color, or previous condition.

SECTION FOUR. The citizens have a right, in a peaceable manner, to assemble together for their common good, to instruct their representatives, and to petition for the redress of grievances, and other proper purposes.

SECTION FIVE. The citizens of this State shall have the right to keep and bear arms, for their common defence.

SECTION SIX. The right of trial by jury shall remain inviolate, and shall extend to all cases at law, without regard to the amount in controversy; but a jury trial may be waived by the parties, in all cases, in the manner prescribed by law.

SECTION SEVEN. Excessive bail shall not be required, nor shall excessive fines be imposed, nor shall cruel or unusual punishments be inflicted, nor witnesses be unreasonably detained.

SECTION EIGHT. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the county, or judicial district, wherein the crime shall have been committed,—which county, or district, shall have been previously ascertained by law,—and to be informed of the nature and cause of the accusation against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel in his defence.

SECTION NINE. No person shall be held to answer a criminal offence unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases of petit larceny, assault, assault and battery, affray, vagrancy, and such other minor cases as the General Assembly shall make cognizable by Justices of the Peace, or arising in the army or navy of the United States, or in the militia when in actual service, in time of war or public danger; and no person, after having been once acquitted by a jury, for the same offence, shall be again put in jeopardy of life or liberty: but if, in any criminal prosecution, the jury shall be divided in opinion, the court before which the trial shall be had, may, in its discretion, discharge the jury, and commit or bail the accused for trial at the same or the next term of said court: nor shall any person be compelled, in any criminal case, to be witness against himself, nor be deprived of life, liberty, or property, without due process of law. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences —murder and treason,—when the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require.

SECTION TEN. Every person is entitled to a certain remedy, in the laws, for all injuries or wrongs which he may receive in his person, property, or character: he ought to obtain justice freely and without purchase, completely and without denial, promptly and without delay; conformably to the laws.

SECTION ELEVEN. Treason against the State shall only consist in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SECTION TWELVE. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

SECTION THIRTEEN. No bill of attainder, or *ex post facto* law, nor any law impairing the obligation of contracts, shall ever be passed; and no conviction shall work corruption of blood or forfeiture of estate.

SECTION FOURTEEN. No person shall be imprisoned for debt in this State; but this shall not prevent the General Assembly from providing for imprisonment or holding to bail persons charged with fraud in contracting said debt. A reasonable amount of property shall be exempt from seizure, or sale, for the payments of debts or liabilities.

SECTION FIFTEEN. Private property shall not be taken for public use without just compensation therefor.

SECTION SIXTEEN. The military shall be subordinate to the civil power. No standing army shall be kept up in this State in time of peace; and no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner prescribed by law.

SECTION SEVENTEEN. Suits may be brought by or against the State, in such manner and in such court as may be by law provided.

SECTION EIGHTEEN. The General Assembly shall not grant to any citizen or class of citizens, privileges or immunities which upon the same terms shall not equally belong to all citizens.

SECTION NINETEEN. The right of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influence from bribery, tumult, or other improper conduct.

SECTION TWENTY. Foreigners who are or may become *bona fide* residents of this State, shall be secured the same rights, in respect to the acquisition, possession, enjoyment, and descent, of property, as are secured by native-born citizens.

SECTION TWENTY-ONE. No religious test or amount of property shall ever be required as a qualification for any office of public trust under the State. No religious test or amount of property shall ever be required as a qualification of any voter at any election in this State. Nor shall any person be rendered incompetent to give evidence in any court of law or equity in consequence of his opinion upon the subject of religion. And the mode of administering an oath or affirmation shall be such as shall be most consistent with and binding upon the conscience of the person to whom such oath or affirmation may be administered.

SECTION TWENTY-TWO. Any person who shall, after the adoption of this Constitution, fight a duel, or send or accept a challenge for that purpose, or be aider or abettor in fighting a duel, either within this State or elsewhere, shall thereby be deprived of the right of holding any office of honor or profit in this

State, and shall be forever disqualified from voting at any election, and shall be punished otherwise in such manner as may be prescribed by law.

SECTION TWENTY-THREE. Religion, morality, and knowledge, being essential to good government, the General Assembly shall pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools, and the means of instruction.

SECTION TWENTY-FOUR. All lands in this State are declared to be allodial; and feudal tenures of every description, with all their incidents, are prohibited. Leases and grants of land for a longer period than twenty-one years, hereafter made, in which shall be reserved any rent or service of any kind, shall be held a conveyance in fee to the lessee.

SECTION TWENTY-FIVE. The action of the Convention of the State of Arkansas, which assembled in the City of Little Rock on the fourth day of March, A.D. one thousand eight hundred and sixty-one (1861), was, and is, null and void. All the action of the State of Arkansas under the authority of said Convention, of its Ordinances or its Constitution, whether legislative, executive, judicial, or military, was, and is hereby, declared null and void. And no debt or liability of the State of Arkansas, incurred by the action of said Convention, or of the General Assembly, or any department of the Government, under the authority of either, shall ever be recognized as obligatory.

Provided: That this Ordinance shall not be so construed as to affect the rights of private individuals, arising under contracts between the parties, or to change county boundaries or county-seats, or to make invalid the acts of justices of the peace, or other officers in their authority, to administer oaths, or take and certify the acknowledgment of deeds of conveyance, or other instruments of writing, or in the solemnization of marriage.

ARTICLE II.

BOUNDARIES.

We do declare and establish, ratify and confirm, the following, as the permanent boundaries of said State of Arkansas: that is to say, beginning at the middle of the main channel of the Mississippi River, on the parallel of thirty-six degrees north latitude; running from thence west with the said parallel to the St. Francis River; thence up the middle of the main channel of said river, to the parallel of thirty-six degrees, thirty minutes, north; from thence west with the boundary line of the State of Missouri, to the south-west corner of the State; and thence to be bounded on the west to the north bank of Red River, as by acts of Congress and treaties heretofore defining the western limits of the Territory of Arkansas; and to be bounded on the south side of Red River by the boundary line of the State of Texas, to the north-west corner of the State of Louisiana; thence east with the Louisiana State line, to the middle of the main channel of the Mississippi River; thence up the main channel of said river, including an island in said River known as "Belle Point Island," to the thirty-sixth degree of north latitude, the place of beginning.

ARTICLE III.

The seat of government shall be at Little Rock, where it is now established.

ARTICLE IV.

Section One. The powers of government are divided into three departments,—the Legislative, the Executive, and the Judicial.

Section Two. No person belonging to one department shall exercise the powers properly belonging to another, excepting in the cases expressly provided in this Constitution.

ARTICLE V.

LEGISLATIVE DEPARTMENT.

Section One. The legislative power in this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

Section Two. The General Assembly shall meet every two years, on the first Monday of January, at the seat of Government, until altered by law; but the first General Assembly elected after the adoption of this Constitution shall meet on the second day of April, A.D. one thousand eight hundred and sixty-eight (1868).

Section Three. The House of Representatives shall consist of members chosen every second year by the qualified electors of the several districts.

Section Four. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-one years, and have been one year a resident of this State; who shall not be a male citizen of the United States; who shall not, at the time of his election, have an actual residence in the district he may be chosen to represent, and who shall not be a qualified elector as provided in this Constitution.

Section Five. The Senate shall consist of members chosen every fourth year by the qualified electors of the several districts.

Section Six. No person shall be a member of the Senate, who shall not have attained the age of twenty-five years, and have been one year a resident of this State; who shall not be a male citizen of the United States; who shall not, at the time of his election, have an actual residence in the district he may be chosen to represent; and who shall not be a qualified elector as provided in this Constitution.

Section Seven. The number of members comprising the Senate shall be twenty-six; and of the House of Representatives eighty-two.

Section Eight. The General Assembly shall provide by law for an enumeration of the inhabitants of this State in the year one thousand eight hundred and seventy-five, and every tenth year thereafter; and the first General Assembly elected after each enumeration made by the authority of the United States may re-arrange the Senatorial and Representative districts, according to the number of the inhabitants, as ascertained by such enumeration: *Provided*, That there shall be no apportionment other than that made in this Constitution, until after the enumeration to be made in the year one thousand eight hundred and seventy-five.

SECTION NINE. Senators shall be chosen at the same time and in the same manner that members of the House of Representatives are required to be. Senatorial districts shall be composed of convenient contiguous territory, and no Representative district shall be divided in the formation of a Senatorial one. The Senatorial districts shall be numbered in regular series, and the term of Senators chosen for the districts designated by odd numbers, shall expire in two years; and the term of Senators chosen for the districts designated by even numbers, shall expire in four years; but thereafter Senators shall be chosen for the term of four years, excepting when an enumeration of the inhabitants of the State is made, in which case, if a rearrangement of the Senatorial districts is made, the regulation above stated shall govern the term of office.

SECTION TEN. Removals of Senators and Representatives from their respective districts, shall be deemed a vacation of their office.

SECTION ELEVEN. No person holding any office under the United States, or this State, or any county office, excepting Postmasters, Notaries Public, Officers of the Militia, and Township Officers, shall be eligible to, or have a seat in, either branch of the General Assembly; and all votes given for any such person shall be void.

SECTION TWELVE. Senators and Representatives shall in all cases (treason, felony, or a breach of the peace, excepted) be privileged from arrest during the session of the General Assembly. They shall not be subject to any civil process during the session of the General Assembly, or for fifteen days next before the commencement and next after the termination of each session. And they shall not be questioned, in any other place, for remarks made in either House.

SECTION THIRTEEN. A majority of the members of each House shall constitute a quorum to transact business; but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each House may prescribe.

SECTION FOURTEEN. Each House shall choose its own officers, determine the rules of its proceedings, judge of the qualifications, election, and return of its members, and may, with the concurrence of two-thirds of all the members elected, expel a member; but no member shall be expelled a second time for the same cause, or for any cause known to his constituents at the time of his election. The reasons for any such expulsion shall be entered upon the Journal, with the names of the members voting thereon.

SECTION FIFTEEN. The General Assembly shall prescribe by law the manner in which the State printing shall be executed, and the account rendered therefor, and shall prohibit all charges for constructive labor. They shall not rescind or alter any contract for such printing, or release the person or persons taking the same, or his or their securities, from the performance of any of the provisions of such contract.

SECTION SIXTEEN. Each House shall keep a Journal of its proceedings, and publish the same, excepting such parts as may require secrecy. The yeas and nays of the members of either House, upon any question, shall be entered on the Journal, at the request of five members. Any member of either House may dissent and protest against any act, proceeding, or resolution, which he may deem injurious to any person or the public, and have the reason of his dissent entered on the Journal.

SECTION SEVENTEEN. In all elections by either House, or in joint convention, the votes shall be given *viva voce*. All votes on nominations to the Senate shall be taken by yeas and nays, and published in the Journal of its proceedings.

SECTION EIGHTEEN. The doors of each House shall be open, unless the public welfare requires secresy. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than where the General Assembly may then be in session.

SECTION NINETEEN. Bills may originate in either House of the General Assembly: but all bills for raising revenue shall originate in the House of Representatives; though the Senate may propose amendments as on other bills.

SECTION TWENTY. No portion of the public funds or property shall ever be appropriated by virtue of any resolution. No appropriation shall be made, except by a bill duly passed for that purpose.

SECTION TWENTY-ONE. Every bill and joint resolution shall be read three times, on different days, in each House, before the final passage thereof, unless two-thirds of the House where the same is pending shall dispense with the rules. No bill or joint resolution shall become a law without the concurrence of a majority of all the members voting. On the final passage of all bills, the vote shall be taken by yeas and nays, and entered on the Journal.

SECTION TWENTY-TWO. No act shall embrace more than one subject, which shall be embraced in its title. No public act shall take effect or be in force until ninety days from the expiration of the session at which the same is passed, unless it is otherwise provided in the act.

SECTION TWENTY-THREE. No law shall be revised, altered, or amended, by reference to its title only: but the act revised, and the section or sections of the act as altered or amended, shall be enacted and published at length.

SECTION TWENTY-FOUR. No new bill shall be introduced into either House during the last three days of the session, without the unanimous consent of the House in which it originated.

SECTION TWENTY-FIVE. The General Assembly, at its first session, shall provide suitable laws for the registration of qualified electors, and for the prevention of frauds in elections.

SECTION TWENTY-SIX. The General Assembly shall provide for the speedy publication of all statute laws of a public nature, and of such judicial decisions as it may deem expedient. All laws and decisions shall be free for publication by any person.

SECTION TWENTY-SEVEN. The style of the laws of the State shall be, "Be it enacted by the General Assembly of the State of Arkansas."

SECTION TWENTY-EIGHT. The General Assembly may enact laws providing for county, township, or precinct governments.

SECTION TWENTY-NINE. It shall be the duty of the General Assembly, from time to time, as circumstances may require, to form and adopt a penal code, formed on principles of reformation.

SECTION THIRTY. The General Assembly shall not change the venue in any criminal or penal prosecution; but shall provide for the same by general laws.

SECTION THIRTY-ONE. The General Assembly may pass laws authorizing appeals in criminal or penal cases, and regulating the right of challenge of jurors therein.

SECTION THIRTY-TWO. The General Assembly shall direct, by law, when and how juries shall be selected from judicial districts, in criminal and civil cases.

SECTION THIRTY-THREE. The General Assembly shall regulate, by law, by whom, and in what manner, writs of elections shall be issued to fill the vacancies which may happen in either branch thereof.

SECTION THIRTY-FOUR. The General Assembly may declare the cases in which any office shall be deemed vacant, and also for the manner of filling the vacancy, where no provision is made for that purpose in this Constitution.

SECTION THIRTY-FIVE. Every bill and concurrent resolution, except of adjournment, passed by the General Assembly, shall be presented to the Governor for approval before it becomes a law. If he approve, he shall sign it; if not, he shall return it, with his objections, to the House in which it originated; which shall enter the objections at large upon its Journal, and reconsider it. On such reconsideration, if a majority of the members elected agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall be reconsidered. If approved by a majority of the members elected to that House, it shall become a law. In such cases the vote of both Houses shall be determined by yeas and nays; and the names of the members voting for and against the bill shall be entered on the Journal of each House respectively. If any bill be not returned by the Governor within three days (Sundays excepted) after it has been presented to him, the same shall become a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall not become a law. The Governor may approve, sign, and file a bill in the office of the Secretary of State, within three days after the adjournment of the General Assembly, any Act passed during the last three days of the session, and the same shall become a law.

SECTION THIRTY-SIX. Each House may punish, by imprisonment, during its session, any person, not a member, who shall be guilty of any disorderly or contemptuous behavior in their presence; but no imprisonment shall at any time exceed twenty-four hours.

SECTION THIRTY-SEVEN. No citizen of this State shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless the same is done by the law of the land, or the judgment of his peers, except as hereinafter provided. There shall be neither slavery nor involuntary servitude, either by indentures, apprenticeships, or otherwise, in the State, except for the punishment of crime, whereof the party shall have been duly convicted.

SECTION THIRTY-EIGHT. The General Assembly shall have no power to make compensation for emancipated slaves.

SECTION THIRTY-NINE. The General Assembly shall have no power to grant divorces, to change the names of individuals, or to direct the sale of estates belonging to infants or other persons laboring under legal disabilities, by special legislation; but, by general laws, shall confer such powers on the courts of justice.

SECTION FORTY. The General Assembly shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person, or vacate or alter any road land but by legal authority, or any street in any city or village, or in any recorded town plot; but shall provide for the same by general laws.

SECTION FORTY-ONE. The General Assembly shall not authorize any lottery, and shall prohibit the sale of lottery tickets.

SECTION FORTY-TWO. In case of a contested election, only the claimant decided entitled to the seat, in either House in which the contest may take place, shall receive, from the State, *per diem* compensation, and mileage.

SECTION FORTY-THREE. No collector, holder, or disburser, of public moneys, shall have a seat in the General Assembly, or be eligible to any office of trust or profit under this State, until he shall have accounted for, and paid over, as provided by law, all sums for which he is liable.

SECTION FORTY-FOUR. The General Assembly shall have power to alter and regulate the jurisdiction and proceedings in law and equity, subject to the provisions of this Constitution.

SECTION FORTY-FIVE. The General Assembly shall direct, by law, in what manner, and in what courts, suits may be brought by and against the State.

SECTION FORTY-SIX. It shall be the duty of the General Assembly to make adequate provision for the maintenance of paupers throughout the State.

SECTION FORTY-SEVEN. The General Assembly shall not have power to authorize any municipal corporation to pass any laws contrary to the general laws of the State, or to levy any tax, on real or personal property, to a greater extent than two *per centum* of the assessed value of the same.

SECTION FORTY-EIGHT. The General Assembly shall pass no special act conferring corporate powers. Corporations may be formed under general laws; but all such laws may, from time to time, be altered or repealed. Dues from corporations shall be secured by such individual liability of the stockholders, and other means, as may be prescribed by law; but in all cases each stockholder shall be liable, over and above the stock by him or her owned, and any amount unpaid thereon, to a further sum at least equal in amount to such stock. The property of corporations, now existing or hereafter created, shall forever be subject to taxation, the same as the property of individuals. No right of way shall be appropriated to the use of any corporation until full compensation therefor shall be first made in money, or first secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation; which compensation shall be ascertained by a jury of twelve men, in a court of record, as shall be prescribed by law.

SECTION FORTY-NINE. The General Assembly shall provide for the organization of cities and incorporated villages, by general laws, and restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such power.

SECTION FIFTY. All corporations with banking and discounting privileges shall, preparatory to issuing bills as currency, deposit the bonds of this State, equal in amount to the capital stock of such corporation, with the Auditor of State, who shall not permit an issue of circulation exceeding eighty *per centum* of the amount of bonds so deposited, such circulation being receivable for all taxes and dues to the State; and the individual liability of stockholders shall be as hereinbefore directed: *Provided*, That corporations chartered or existing under any act of the Congress of the United States, shall be exempted from these provisions.

SECTION FIFTY-ONE. The General Assembly, on the day of final adjournment, shall adjourn at 12 o'clock, at noon.

ARTICLE VI.

EXECUTIVE DEPARTMENT.

SECTION ONE. The Executive Department of this State shall consist of a Governor, Lieutenant-Governor, Secretary of State, Auditor, Treasurer, Attorney-General, and Superintendent of Public Instruction; all of whom shall hold their several offices for the term of four years, and until their successors are elected and qualified. They shall be chosen by the qualified electors of this State, at the time and places of choosing the members of the General Assembly.

SECTION TWO. The Supreme executive power of this State shall be vested in the Governor.

SECTION THREE. No person shall be eligible to the office of Governor or Lieutenant-Governor, who shall not have attained the age of twenty-five years, who shall not have been five years a citizen of the United States, who shall not, at the time of his election, have had an actual residence in this State for one year next preceding his election, and who shall not be a qualified elector as prescribed in this Constitution.

SECTION FOUR. In elections for Governor and Lieutenant-Governor, the person having the highest number of votes shall be declared elected. But in case that two or more persons shall have an equal, and the highest, number of votes for Governor or Lieutenant-Governor, the General Assembly shall, by joint vote, choose one of such persons. The Governor shall be Commander-in-Chief of the military and naval forces of the State, and may call out such forces to execute the laws, suppress insurrections, repel invasions, or preserve the public peace. He shall transact all necessary business with other officers of the State Government, and may require information, in writing, of the officers of the

Executive Department, upon any subject pertaining to the duties of their respective offices.

SECTION FIVE. It shall be the duty of the Governor to see that the laws are faithfully executed.

SECTION SIX. He may convene the Legislature on extraordinary occasions.

SECTION SEVEN. He shall give to the General Assembly, and, at the close of his official term, to the next General Assembly, information, by message, concerning the condition of the State, and recommend such measures to their consideration as he may deem expedient.

SECTION EIGHT. He may convene the General Assembly at some other place when the seat of government becomes dangerous from the prevalence of disease, or the presence of a common enemy.

SECTION NINE. He may grant reprieves, pardons, and commutations, after conviction, for all offences, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper; subject, however, to such regulations as may be prescribed by law relative to the manner of applying for pardons. Upon conviction for treason he may suspend execution of the sentence until the matter shall be reported to the General Assembly at its next session, when the General Assembly shall either pardon, commute the sentence, direct the execution of the same, or grant a further reprieve: The Governor shall communicate to the General Assembly, at each session, information concerning each case of pardon, reprieve, or commutation, granted, and the reasons therefor.

SECTION TEN. In case of the impeachment of the Governor, his removal from office, death, resignation, inability, or removal from the State, the powers and duties of the Governor shall devolve upon the Lieutenant-Governor during the residue of the term, or until the disabilities of the Governor are removed.

SECTION ELEVEN. During a vacancy in the office of Governor, if the Lieutenant-Governor resign, be impeached, displaced, absent from the State, or incapable of acting, the President *pro tempore* of the Senate shall act as Governor until the vacancy be filled, or the disability cease.

SECTION TWELVE. The Lieutenant-Governor shall, by virtue of his office, be President of the Senate; and when there is an equal division he shall give the casting vote.

SECTION THIRTEEN. No member of Congress, or any person holding any office under the United States or this State, shall execute the office of Governor.

SECTION FOURTEEN. The Lieutenant-Governor, and the President of the Senate *pro tempore*, while performing the office of Governor shall receive the same compensation as the Governor.

SECTION FIFTEEN. All official acts of the Governor—his approval of the laws excepted—shall be authenticated by the Great Seal of the State, which seal shall be kept by the Secretary of State.

SECTION SIXTEEN. The Governor shall, by and with the advice and consent of the Senate, appoint a convenient number of Notaries Public, not to exceed six for each county, who shall discharge such duties as are now, or as may hereafter be, prescribed by law.

SECTION SEVENTEEN. All commissions issued to persons holding office under the provisions of this Constitution, shall be in the name and by the authority of the people of the State of Arkansas, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SECTION EIGHTEEN. The Governor, Chief Justice, Secretary of State, Treasurer, Auditor, Attorney-General, and Superintendent of Public Instruction, shall severally reside, and keep all public records, books, papers, and documents, which may pertain to their respective offices, at the seat of government.

SECTION NINETEEN. The returns of every election for Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Attorney-General, and Superintendent of Public Instruction, shall be sealed up and transmitted to the seat of Government, by the returning officers, and directed to the presiding officer of the Senate, who, during the first week of the session, shall open and publish the same in presence of the members there assembled. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and equal number of votes for the same office, one of them shall be chosen by a joint vote of both Houses. Contested elections shall likewise be determined by both Houses of the General Assembly, in such manner as is or may hereafter be prescribed by law.

SECTION TWENTY. The Secretary of State shall keep a fair record of all official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes, and vouchers, relating thereto, before the General Assembly, and shall perform such other duties as are now or may hereafter be prescribed by law.

SECTION TWENTY-ONE. The Auditor, Treasurer, Attorney-General, and Superintendent of Public Instruction, shall perform such duties as are now or may hereafter be prescribed by law.

SECTION TWENTY-TWO. In the case of the death, impeachment, removal from the State, or other disability, of the Secretary of State, Treasurer, Auditor, Attorney-General, and Superintendent of Public Instruction, the vacancies in their several offices, thus occasioned, shall be filled by appointment by the Governor, which appointment shall be made for the unexpired terms of said officers, or until said disabilities are removed, or until elections are held to fill said vacancies.

SECTION TWENTY-THREE. Until the General Assembly shall otherwise provide, the Governor shall appoint a suitable person, who shall be styled Commissioner of Public Works and Internal Improvements, to superintend all public works which may be carried on by the State, and have a supervising control over all internal improvements in which the State is interested; and, until otherwise provided by the General Assembly, he shall be *ex officio* Commissioner of Immigration and of State Lands, and shall perform such other duties as may be prescribed by law. He shall receive for his services the same salary as provided by law for the Auditor of State.

SECTION TWENTY-FOUR. The officers of the Executive Department, mentioned in this article, shall, at stated times, receive for their services a compensation to be established by law, which shall not be diminished during the period for which they shall have been elected or appointed.

SECTION TWENTY-FIVE. The officers of the Executive Department and Judges of the Supreme Court shall not be eligible, during the period for which they shall have been elected or appointed to their respective offices, to any position in the gift of the qualified electors, or of the General Assembly, of this State.

SECTION TWENTY-SIX. The returns of every election for State, County, and Judicial Officers, not herein provided for, shall be sealed up and transmitted to the seat of Government, by the returning officers, and directed to the Secretary of State, who shall open and publish the same; and the persons so elected shall be duly commissioned by the Governor.

ARTICLE VII.

JUDICIARY.

SECTION ONE. The judicial power of the State shall be vested in the Senate sitting as a Court of Impeachment, a Supreme Court, Circuit Courts, and such other Courts inferior to the Supreme Court as the General Assembly may from time to time establish.

SECTION TWO. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members thereof. The Chief Justice shall preside, and the Secretary of State shall act as clerk of this Court: *Provided*, that in case of the trial of either of them, the person appointed temporarily to perform the duties of the office shall act. The Governor, and all other civil officers under this State, shall be liable to impeachment for any misconduct or mal-administration of their respective offices; but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of honor, trust, or profit, under this State. The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, and judgment, according to law.

SECTION THREE. Two terms of the Supreme Court shall be held at the seat of government, annually: *Provided*, that the General Assembly may provide by law for holding said Court at three other places. The Supreme Court shall consist of one Chief Justice, who shall be appointed by the Governor, by and with the advice and consent of the Senate, for the term of eight years, and four Associate Justices, who shall be chosen by the qualified electors of the State at large, for the term of eight years: *Provided*, that two of the Associate Justices first chosen under this Constitution shall serve for four years after the next general election; and two of them for eight years after said election,—said times to be determined by lot,—but thereafter the Associate Justices shall be chosen for the full term.

SECTION FOUR. The Supreme Court shall have general supervision and control over all inferior courts of law and equity. It shall have power to issue writs of error, *supersedeas*, *certiorari*, *habeas corpus*, *mandamus*, *quo warranto*, and other remedial writs, and to hear and determine the same. Final judgments in the inferior courts may be brought, by writ of error, or by appeal, into the Supreme Court, in such manner as may be prescribed by law.

SECTION FIVE. The inferior courts of the State, as now constituted by law, except as hereinafter provided, shall remain with the same jurisdiction as they now possess: *Provided*, that the General Assembly may provide for the establishment of such inferior courts, changes of jurisdiction, or abolition of existing inferior courts, as may be deemed requisite. The judges of the inferior courts herein provided for, or of such as may hereafter be established by law, shall be appointed by the Governor, by and with the advice and consent of the Senate, for the term of six years, and until such time as the General Assembly may otherwise direct: *Provided*, that the General Assembly shall not interfere with the term of office of any judge.

SECTION SIX. All writs and other processes shall run in the name of the State of Arkansas, and bear teste and be signed by the clerks of the respective courts from which they issue. Indictments shall conclude,—"Against the peace and dignity of the State of Arkansas."

SECTION SEVEN. No judge shall preside on the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by affinity or consanguinity, within such degree as may be prescribed by law, or in which he may have been counsel, or have presided in any inferior court.

SECTION EIGHT. In case all or any of the Judges of the Supreme Court shall be disqualified from presiding on any cause or causes, the court or judges thereof shall certify the same to the Governor of the State, and he shall immediately commission specially the required number of men, learned in the law, for the trial and determination thereof.

SECTION NINE. Whenever, at ten o'clock, A.M., of the second day of any term of the inferior courts of this State, the judge thereof is not present, or if present, and he cannot for any cause properly preside at the trial of any case then pending therein, the attorneys of said courts, then present, may elect a special judge, who shall preside during the trial of such case or cases, or shall hold said court until the appearance of the regular judge thereof. The proceedings in such cases shall be entered at large upon the Journal.

SECTION TEN. The judges of the inferior courts may temporarily exchange circuits, or hold courts for each other, under such regulations as may be prescribed by law.

SECTION ELEVEN. Judges shall not charge juries with regard to matters of fact, but shall declare the law. In all trials by jury the judges shall give their instructions and charges in writing; and if the trial is by the court, he shall reduce to writing his findings upon the facts in the case, and shall declare the law in the same manner he is required to do when instructing juries.

SECTION TWELVE. Any judge whose appointment or election is herein provided for, shall be at least twenty-five years of age, a qualified elector of this

State, and shall have been for one year an actual resident of the State, and shall reside in the circuit or district to which he may be appointed or elected.

SECTION THIRTEEN. The Judges of the Supreme and inferior courts shall, at stated times, receive a compensation for their services, as is now or may hereafter be provided by law, and which shall not be diminished during the respective terms for which they may be elected or appointed.

SECTION FOURTEEN. The inferior courts shall hold annually such terms as the General Assembly may direct.

SECTION FIFTEEN. All appeals from inferior courts shall be taken in such manner and to such courts as may be provided by law: appeals may be taken from courts of Justices of the Peace, to such courts, and in such manner, as may be prescribed by law.

SECTION SIXTEEN. When a vacancy occurs in the office of Judge of the Supreme or any of the inferior courts, it shall be filled by appointment of the Governor; which appointee shall hold his office the residue of the unexpired term, and until his successor is elected and qualified.

SECTION SEVENTEEN. The Supreme Court, and such other courts as may be established by law, shall be courts of record, and shall each have a common seal.

SECTION EIGHTEEN. The Supreme Court shall appoint a Clerk of such Court, and also a Reporter of its decisions. The decisions of the Supreme Court shall be in writing, and signed by the Judges concurring therein: any Judge dissenting therefrom shall give the reasons of such dissent in writing, under his signature: all such decisions shall be filed in the office of the Clerk of the Supreme Court, and be published in such manner as the General Assembly may direct. The Clerk and Reporter shall hold their respective offices for the term of six years, subject to removal by the Court, for cause.

SECTION NINETEEN. A County Clerk shall be elected by the qualified electors in each organized county in this State, for the term of four years, and shall perform such duties and receive such fees as are now or may hereafter be prescribed by law.

SECTION TWENTY. In each township in this State there shall be elected, by the qualified electors thereof, two Justices of the Peace, who shall hold their offices for the term of four years. *Provided*, that in such townships as may contain more than two hundred qualified electors, an additional Justice of the Peace may be chosen. Justices of the Peace shall have exclusive original jurisdiction in all actions of contract and replevin where the amount in controversy does not exceed two hundred dollars, and concurrent jurisdiction with the Circuit Court when the amount in controversy does not exceed five hundred dollars. In criminal cases the jurisdiction of Justices of the Peace shall extend to all matters less than felony, for final determination and judgment.

SECTION TWENTY-ONE. Any suitor in any court in this State shall have the right to prosecute or defend his suit in his own proper person, or by attorney.

SECTION TWENTY-TWO. In the courts of this State there shall be no exclusion of any witness, in civil actions, because he is a party to or is interested in the issue to be tried; and no person convicted of infamous crime shall be a competent witness in any case, without the consent of both parties to the controversy. *Provided*, that in actions by or against executors, administrators, or guardians, in which judgment may be rendered for or against them, neither party shall be allowed to testify against the other as to any transactions with, or statements to, the testator, intestate, or ward, unless called to testify thereto by the opposite party, or required to testify thereto by the court. The Judges of the Supreme and all inferior courts shall be conservators of the peace throughout their respective jurisdictions.

ARTICLE VIII.

FRANCHISE.

SECTION ONE. In all elections by the people the electors shall vote by ballot.

SECTION TWO. Every male person born in the United States, and every male person who has been naturalized, or has legally declared his intentions to become a citizen of the United States, who is twenty-one years old or upwards, and who shall have resided in this State six months next preceding the election, and who, at the time, is an actual resident of the county in which he offers to vote, except as hereinafter provided, shall be deemed an elector. *Provided*, no soldier, or sailor, or marine, in the military or naval service of the United States, shall acquire a residence by reason of being stationed on duty in this State.

SECTION THREE. The following classes shall not be permitted to register or vote or hold offices, viz.

First. Those who, during the rebellion, took the oath of allegiance, or gave bonds for loyalty and good behavior to the United States Government, and afterwards gave aid, comfort, or countenance, to those engaged in armed hostility to the Government of the United States, either by becoming a soldier in the rebel army, or by entering the lines of said army, or adhering in any way to the cause of rebellion, or by accompanying any armed force belonging to the rebel army, or by furnishing supplies of any kind to the same.

Second. Those who are disqualified as electors, or from holding office, in the State or States from which they came.

Third. Those persons who during the late rebellion violated the rules of civilized warfare.

Fourth. Those who may be disqualified by the proposed amendment to the Constitution of the United States, known as Article XIV, and those who have been disqualified from registering to vote for delegates to the Convention to frame a Constitution for the State of Arkansas, under the Act of Congress entitled "An Act to provide for the more efficient government of the Rebel States," passed by Congress March 2d, 1867, and the Acts supplementary thereto.

Fifth. Those who shall have been convicted of treason, embezzlement of public funds, malfeasance in office, crimes punishable by law with imprisonment in the penitentiary, or bribery.

Sixth. Those who are idiots or insane.

Provided, that all persons included in the first, second, third, and fourth subdivisions of this section, who have openly advocated, or have voted for, the reconstruction proposed by Congress, and accept the equality of all men before the law, shall be deemed qualified electors under this Constitution.

SECTION FOUR. The General Assembly shall have the power, by a two-thirds vote of each House, approved by the Governor, to remove the disabilities included in the first, second, third, and fourth subdivisions of Section Three of this Article, when it appears that such person applying for relief from such disabilities has, in good faith, returned to his allegiance to the Government of the United States. *Provided*, the General Assembly shall have no power to remove the disabilities of any person embraced in the aforesaid subdivisions, who, after the adoption of this Constitution by this Convention, persists in opposing the Acts of Congress, and reconstruction thereunder.

SECTION FIVE. All persons before registering or voting must take and subscribe the following oath: "I do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of Arkansas: that I am not excluded from registering or voting by any of the clauses in the first, second, third, or fourth subdivisions of Article VIII of the Constitution of the State of Arkansas; that I will never countenance or aid in the secession of this State from the United States; that I accept the civil and political equality of all men, and agree not to attempt to deprive any person, or persons, on account of race, color, or previous condition, of any political or civil right, privileges, or immunity, enjoyed by any other class of men: and furthermore, that I will not in any way injure, countenance in others any attempt to injure, any person or persons, on account of past or present support of the Government of the United States, the laws of the United States, or the principle of the political and civil equality of *all men*, or for affiliating with any political party." *Provided:* That if any person shall knowingly and falsely take any oath in the Constitution prescribed, such person so offending, and being thereof duly convicted, shall be subject to the pains, penalties, and disabilities, which by law are provided for the punishment of the crime of wilful and corrupt perjury.

SECTION SIX. Electors shall in all cases except treason, felony, or breach of the peace, be privileged from arrest and civil process during their attendance at elections, and in going to and returning from the same.

SECTION SEVEN. It shall be the duty of the General Assembly to enact adequate laws giving protection against the evils arising from the use of intoxicating liquors at elections.

ARTICLE IX.

EDUCATION.

SECTION ONE. A general diffusion of knowledge and intelligence, among all classes, being essential to the preservation of the rights and liberties of the people, the General Assembly shall establish and maintain a system of free schools, for the gratuitous instruction of all persons in this State between the ages of five and twenty-one years; and the funds appropriated for the support for common schools shall be distributed to the several counties, in proportion to the number of children and youths therein, between the ages of five and twenty-one years, in such manner as shall be prescribed by law; but no religious or other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school-fund of the State.

SECTION TWO. The supervision of public schools shall be vested in a superintendent of Public Instruction and such other officers as the General Assembly shall provide. The Superintendent of Public Instruction shall receive such salary, and perform such duties, as shall be prescribed by law.

SECTION THREE. The General Assembly shall establish and maintain a State University, with departments for instruction in Teaching, in Agriculture, and the Natural Sciences, as soon as the public-school-fund will permit.

SECTION FOUR. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by the United States or this State, also all mines, stocks, bonds, lands, and other property, now belonging to any fund for purposes of education, also the net proceeds of all sales of land and other property and effects that may accrue to this State by *escheat*, or from sales of estrays, or from unclaimed dividends or distribution shares of the estates of deceased persons, or from fines, penalties, or forfeitures, also any proceeds of the sales of public lands, which may have been or may be hereafter paid over to the State (Congress consenting), also all the grants, gifts, or devises, that have been or hereafter may be made to this State, and not otherwise appropriated by the terms of the grant, gift, or devise, shall be securely invested and sacredly preserved as a public-school-fund, which shall be the common property of the State. The annual income of which fund, together with one dollar *per capita*, to be annually assessed on every male inhabitant of this State over the age of twenty-one years, and so much of the ordinary annual revenue of the State as may be necessary,* shall be faithfully appropriated for establishing and maintaining the free schools and the University, in this article provided for, and for no other uses or purposes whatever.

SECTION FIVE. No part of the public-school-fund shall be invested in the stocks, or bonds, or other obligations, of any State, or any county, city, town, or corporation. The stocks belonging to any school-fund, or University-fund, shall be sold, in such manner and at such times as the General Assembly shall prescribe. And the proceeds thereof, and the proceeds of the sales of any lands or other property which now belong or may hereafter belong to said school-fund, may be invested in the bonds of the United States.

SECTION SIX. No township or school district shall receive any portion of the public-school-fund unless a free school shall have been kept therein for not less than three months, during the year for which distribution thereof is made. The General Assembly shall require by law that every child of sufficient mental and physical ability shall attend the public schools, during the period between the ages of five and eighteen years, for a term equivalent to three years, unless educated by other means.

SECTION SEVEN. In case the public-school-fund shall be insufficient to sustain a free school at least three months in every year in each school district in the State, the General Assembly shall provide by law for raising such deficiency, by levying such tax, upon all taxable property in each county, township, or school district, as may be deemed proper.

SECTION EIGHT. The General Assembly shall, as far as it can be done without infringing upon vested rights, reduce all lands, moneys, or other property, used or held for school purposes in the various counties of this State, into the public-school-fund herein provided for.

SECTION NINE. Provision shall also be made, by general laws, for raising such sum or sums of money, by taxation or otherwise, in each school district, as may be necessary for the building and furnishing of a sufficient number of suitable school-houses for the accommodation of all the pupils within the limits of the several school districts.

ARTICLE X.

FINANCES, TAXATION, PUBLIC DEBT, AND EXPENDITURES.

SECTION ONE. The levying of taxes by the poll is grievous and oppressive; therefore the General Assembly shall never levy a poll tax, excepting for school purposes.

SECTION TWO. Laws shall be passed taxing by a uniform rule all money-credit, investments in bonds, joint-stock companies, or otherwise, and also all real and personal property, according to its true value in money; but burying-grounds, public-school-houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, shall never be taxed. Real estate shall be appraised, at least once every five years, by an appraiser to be provided for by law, at its true value in money. Personal property shall be appraised, in such manner as may be provided by law, at its true value in money; but the General Assembly may exempt from taxation personal property to the value of five hundred dollars to each tax-payer.

SECTION THREE. The General Assembly shall provide by law for taxing the notes and bills discounted or purchased, moneys loaned, and all other property, effects, or dues of every description, without deduction, of all banks, now existing or hereafter created, and of all bankers, so that all property employed in banking shall always bear a burden of taxation equal to that imposed on other property of individuals.

SECTION FOUR. The General Assembly shall provide for raising a revenue sufficient to defray the expenses of the State for each year; and also a sufficient sum to pay the interest on the State debt.

SECTION FIVE. No tax shall be levied except in pursuance of law; and every law imposing a tax shall state distinctly the object of the same.

SECTION SIX. The credit of the State or counties shall never be loaned, for any purpose, without the consent of the people thereof, expressed through the ballot-box.

SECTION SEVEN. The General Assembly may require the exhibit of receipts and expenditures of State and county officers, at such times and manner as may be prescribed by law.

SECTION EIGHT. No money shall be paid out of the treasury until the same shall have been appropriated by law.

SECTION NINE. The State may contract debts to supply casual deficits or failures in revenue, or to meet expenses not otherwise provided for; and the money arising from the creation of such debts shall be appropriated to the purpose for which it was obtained, or to pay the debt so contracted, and to no other.

SECTION TEN. In addition to the above power, the State may contract debts to repel invasion, suppress insurrections, preserve the public peace, defend the State in time of war, or to redeem the present outstanding indebtedness of the State; but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised, and no other; and all debts incurred to redeem the present outstanding indebtedness of the State shall be so contracted as to be payable by the sinking-fund hereinafter provided for, as the same shall accumulate.

SECTION ELEVEN. The faith of the State being pledged for the payment of its public debt, in order to provide therefor there shall be created a sinking-fund, which shall be sufficient to pay the accruing interest on such debt, and annually to reduce the same. The said sinking-fund shall consist of such net earnings and profits of public institutions, bonds, stocks, or other property of the State, or of any other funds or resources, that are or may be provided by law.

SECTION TWELVE. The Governor, Secretary of State, and Attorney-General, are hereby created a Board of Commissioners, to be styled the Commissioners of the Sinking-Fund.

SECTION THIRTEEN. The Commissioners of the Sinking-Fund shall, immediately preceding each regular session of the General Assembly, make an estimate of the probable amount of the fund provided for by the Eleventh Section of this Article, from all sources, except from taxation, and report the same, together with all their proceedings relative to said fund, and the public debt, and transmit the same, to the General Assembly; and the General Assembly shall make all necessary provisions for raising and disbursing said sinking-fund, in pursuance of the provisions of this Article.

SECTION FOURTEEN. It shall be the duty of the said Commissioners, faithfully to apply, in such manner as the General Assembly may by law direct, said fund, together with all the moneys that may be, by the General Assembly, appropriated to that object, to the payment of the interest as it becomes due, and the redemption of the principal of the public debt of the State, excepting only school and trust funds held by the State.

SECTION FIFTEEN. The principal arising from the sale of all lands donated to the State for school purposes, shall be paid into the Treasury; and the State shall pay interest thereon, for the support of schools, at the rate of six *per cent. per annum.*

SECTION SIXTEEN. The State shall never assume the debts of the county, town, city, or other corporations, unless such debts have been created to repel invasion, suppress insurrection, or to provide for the public welfare and defence.

SECTION SEVENTEEN. The General Assembly shall tax all privileges, pursuits, and occupations, that are of no real use to society; all others shall be exempt, and the amount thus raised shall be paid into the treasury.

ARTICLE XI.

MILITIA.

SECTION ONE. All able-bodied electors in this State shall be liable to military duty in the militia of this State; but all citizens, of any denomination whatever, who, from scruples of conscience, may be adverse to bearing arms, shall be exempted therefrom upon such conditions as may be prescribed by law.

SECTION TWO. The General Assembly shall provide for organizing, equipping, and disciplining the militia, in such manner as it shall deem expedient, and not incompatible with the laws of the United States.

SECTION THREE. The Governor shall be Commander-in-Chief, and shall have power to call out the militia to execute the laws, to suppress insurrection, and to repel invasion, and preserve the public peace.

ARTICLE XII.

EXEMPTED PROPERTY.

SECTION ONE. The personal property of any resident of this State, to the value of two thousand dollars, to be selected by such resident, shall be exempted from sale or execution or other final process of any court, issued for the collection of any debt contracted after the adoption of this Constitution.

SECTION TWO. Hereafter, the homestead of any resident of this State who is a married man, or head of a family, shall not be encumbered in any manner, while owned by him, except for taxes, laborers' and mechanics' liens, and securities for the purchase-money thereof.

SECTION THREE. Every homestead, not exceeding one hundred and sixty acres of land, and the dwelling and appurtenances thereon, to be selected by the owner thereof, and not in any town, city, or village, or, in lieu thereof, at the option of the owner, any lot in a city, town, or village, with the dwelling and appurtenances thereon, owned and occupied by any resident of this State, and not exceeding the value of five thousand dollars, shall be exempted from sale on execution or any other final process from any court; but no property shall be exempted from sale for taxes, for the payment of obligations contracted for the purchase of said premises, for the erection of improvements thereon, or for labor performed for the owner thereof. *Provided*, that the benefit of the homestead herein provided for shall not be extended to persons who may be indebted for dues to the State, county, township, school, or other trust fund.

SECTION FOUR. If the owner of a homestead die, leaving a widow, but no children, the same shall be exempt, and the rents and profits thereof shall accrue to her benefit during the time of her widowhood, unless she be the owner of a homestead in her own right.

SECTION FIVE. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of his debts, in all cases, during the minority of his children, and also so long as his widow shall remain unmarried, unless she be the owner of a homestead in her own right.

SECTION SIX. The real and personal property of any female in this State, acquired either before or after marriage, whether by gift, grant, inheritance, or devise, or otherwise, shall, so long as she may choose, be and remain separate estate and property of such female, and may be devised or bequeathed by her the same as if she were a *feme-sole*. Laws shall be passed providing for the registration of the wife's separate property; and when so registered, and so long as it is not entrusted to the management or control of her husband, otherwise than as an agent, it shall not be liable for any of his debts, engagements, or obligations.

ARTICLE XIII.

AMENDMENTS TO THE CONSTITUTION.

SECTION ONE. Any amendments to this Constitution may be proposed in either House of the General Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment shall be entered on their Journal, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election; and shall be published, as provided by law, for three months previous to the time of making such choice; and if in the General Assembly so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner and at such time as the General Assembly shall provide; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the General Assembly voting thereon, such amendment or amendments shall become a part of the Constitution of this State.

SECTION TWO. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of said amendments separately.

ARTICLE XIV.

APPORTIONMENT.

SECTION ONE. The Congressional districts shall remain as they now are: *Provided*, that the General Assembly may, at the first session held after the adoption of this Constitution, re-district the State for Congressional purposes.

SECTION TWO. Until after the apportionment as herein provided for, the Senatorial and Representative districts shall be composed of the following counties, to wit: the first, of Jackson, Craighead, Poinsett, Cross, and Mississippi; second, of Lawrence, Randolph, and Green; third, of Madison, Marion, Carroll, Fulton, and Izard; fourth, of Independence and Van Buren; fifth, of Searcy, Pope, and Conway; sixth, of Newton, Johnson, and Yell; seventh, of Washington and Benton; eighth, of Crawford, Franklin, and Sebastian; ninth, of Crittenden, St. Francis, and Woodruff; tenth, of Pulaski and White; eleventh, of Phillips and Monroe; twelfth, of Prairie and Arkansas; thirteenth, of Scott, Polk, Montgomery, and Hot Spring; fourteenth, of Hempstead; fifteenth, of Lafayette and Little River; sixteenth, of Union and Calhoun; seventeenth, of Clark, Pike, and Sevier; eighteenth, of Columbia; nineteenth, of Ouachita; twentieth, of Jefferson and Bradley; twenty-first, of Dallas, Saline, and Perry; twenty-second, of Ashley, Chicot, Drew, and Desha. The Senators and Representatives shall be apportioned among the several Senatorial and Representative Districts, as follows, to wit:

1st District, one (1) Senator and four (4) Representatives,
2d " one (1) " three (3) "
3d " one (1) " four (4) "
4th " one (1) " three (3) "
5th " one (1) " three (3) "
6th " one (1) " three (3) "
7th " one (1) " four (4) "
8th " one (1) " four (4) "
9th " one (1) " four (4) "
10th " two (2) " six (6) "
11th " two (2) " six (6) "
12th " one (1) " four (4) "
13th " one (1) " three (3) "
14th " one (1) " three (3) "
15th " one (1) " three (3) "
16th " one (1) " two (2) "
17th " one (1) " four (4) "
18th " one (1) " three (3) "
19th " one (1) " two (2) "
20th " two (2) " six (6) "
21st " one (1) " two (2) "
22d " two (2) " six (6) "

ARTICLE XV.

MISCELLANEOUS PROVISIONS.

SECTION ONE. The President of the Convention shall, immediately after the adjournment thereof, cause this Constitution to be deposited in the office of the Secretary of State, and shall transmit a copy of the same to the President of the United States, to be by him laid before the Congress of the United States.

SECTION TWO. In all cases not otherwise provided for in this Constitution, the General Assembly may determine the mode of filling all vacancies in all offices, and of choosing all necessary officers, and shall define their respective powers and duties, and provide suitable compensation for all officers.

SECTION THREE. All general elections shall be held on the Tuesday succeeding the first Monday in November, and shall be biennial, commencing at the general election of A.D. 1868; but all officers elected under the provisions of this Constitution and Schedule, except members of Congress, at the election commencing on the 13th day of March, 1868, shall hold and continue in office in accordance with provisions of this Constitution, the same as though elected at the general election to be held on the Tuesday succeeding the first Monday in November, 1868; and no election shall be had for such officers at the general election of 1868.

SECTION FOUR. All chartered cities and villages under the laws of this State shall hold their municipal elections, for the year 1868, at such times and places as may be provided in this Constitution and the Schedule to the same.

SECTION FIVE. The term of office of all township and precinct officers shall expire thirty days after this Constitution goes into effect; and the Governor shall thereafter appoint such officers, whose term of office shall continue until the General Assembly shall provide by law for an election of said officers.

SECTION SIX. Until the General Assembly shall otherwise provide, a Prosecuting Attorney for each judicial circuit shall be appointed by the Governor, by and with the advice and consent of the Senate, who shall hold his office for the term of four years, and until his successor is chosen and qualified. *Provided*, that the General Assembly shall not interfere with the term of any appointed Prosecuting Attorney.

SECTION SEVEN. The compensation of Senators and Representatives shall be six dollars *per diem* during the first session after the adoption of this Constitution, but may afterwards be prescribed by law. *Provided*, no increase of compensation shall be prescribed which shall take effect until the period for which the members of the House of Representatives, then existing, shall have expired.

SECTION EIGHT. Senators and Representatives shall receive twenty cents for each mile necessarily travelled in going to and returning from the seat of government, in attending each session of the General Assembly, until otherwise provided by law.

SECTION NINE. All salaries, fees, and *per diem*, or other compensation, of all

State, county, town, or other officers within the State, shall be payable in such funds as by law may be receivable for taxes.

SECTION TEN. Any public fund set apart by the General Assembly for one purpose, shall not be used for another, unless in such case otherwise specially authorized by law.

SECTION ELEVEN. This Convention shall appoint not more than three persons, learned in the law, whose duty it shall be to revise and rearrange the statute laws of this State, both civil and criminal, so as to have but one law on any one subject; and also three other persons, learned in the law, whose duty it shall be to prepare a code of practice for the courts, both civil and criminal, in this State, by abridging and simplifying the rules of practice and laws in relation thereto; all of whom shall, at as early a day as practicable, report the result of their labors to the General Assembly, for their adoption or modification. The General Assembly shall provide suitable compensation for said persons appointed as aforesaid.

SECTION TWELVE. No county now established by law shall ever be reduced, by the establishment of any new county or counties, to less than six hundred square miles; nor shall any county be hereafter established which shall contain less than six hundred square miles.

SECTION THIRTEEN. No indenture of any person, heretofore made and executed out of this State, or, if made in this State, where the term of service exceeds one year, shall be of the least validity, except those given in cases of apprenticeships, which shall not be for a longer time than until the apprentice shall arrive at the age of twenty-one years, if a male, or eighteen years, if a female.

SECTION FOURTEEN. All contracts for the sale or purchase of slaves are null and void, and no court of this State shall take cognizance of any suit founded on such contract; nor shall any amount ever be collected or recovered on any judgment or decree which shall have been, or which hereafter may be, rendered, on account of any such contract or obligation, on any pretext, legal or otherwise.

SECTION FIFTEEN. There shall be a Great Seal of the State, which shall be kept, and used officially, by the Secretary of State; and the seal heretofore in use in this State shall continue to be the Great Seal of the State, until another shall have been adopted by the General Assembly.

SECTION SIXTEEN. Private seals are hereby abolished, and hereafter no distinction shall exist between sealed and unsealed instruments, concerning contracts between individuals. All laws of this State, not in conflict with this Constitution, shall remain in full force until otherwise provided by the General Assembly, or until they expire by their own limitation. Nothing herein shall be construed to impair vested rights under provisions of existing laws.

SECTION SEVENTEEN. All officers of this State, executive, legislative, and judicial, before they enter upon the duties of their respective offices, shall take the following oath: "I ——— ———, do solemnly swear (or affirm) that I am not disfranchised by the Constitution or laws of the United States, or the Constitution of the State of Arkansas; that I will honestly and faithfully support and defend the Constitution and laws of the United States, the Union of the States, and the Constitution and laws of the State of Arkansas; and that I will honestly and faithfully discharge the duties of the office on which I am about to enter, to the best of my ability: so help me God."

SECTION EIGHTEEN. The term of all officers elected or appointed under the provisions of this Constitution, shall expire on the first day of January, 1873, unless herein otherwise provided.

SECTION NINETEEN. No one shall be precluded from being elected or appointed to any office, by reason of having been a delegate to this Convention, or an officer of the same.

SECTION TWENTY. No person shall be allowed, or be qualified, to sit on any jury, who is not a qualified elector.

SECTION TWENTY-ONE. The General Assembly may by general law declare the legal rate of interest upon contracts in which no rate of interest is specified; but no law limiting the rate of interest for which individuals may contract in this State shall ever be passed.

SECTION TWENTY-TWO. All Judges and Clerks of Election, appointed under provisions of this Constitution, shall take, and subscribe to, the oath of an elector, as provided in Section 5 of Article VIII, before they enter upon the duties of said offices; and said judges are hereby authorized to administer the oath to each other, and to the clerks, also to administer the same to all electors offering to vote. Said judges and clerks shall also swear to discharge their respective duties to the best of their ability according to law. Judges of Election may appoint a suitable number of persons who shall, with themselves, be conservators of the peace; and they are hereby empowered to arrest all offenders. Any one refusing to act as such, when called on by the Judges, shall be subject to a fine of at least one hundred dollars, or imprisonment not less than six months, or both.

SCHEDULE.

On the 13th day of March, A.D. 1868, and such successive days as hereinafter provided, an election shall be held for members of the House of Representatives of the United States, Governor, Lieutenant-Governor, Secretary of State, Auditor, Treasurer, Attorney-General, Superintendent of Public Instruction, Judges of the Supreme Court, members of the General Assembly, and all county officers; and also for the submission of this Constitution to the people, for their adoption or rejection.

SECTION TWO. Upon the days designated as aforesaid, every qualified elector, under the provisions of this Constitution, may vote for all officers to be elected under this Constitution at such election; and also for or against the adoption of this Constitution.

SECTION THREE. In voting for or against the adoption of this Constitution, the words "*For Constitution,*" or "*Against Constitution,*" shall be written or printed on the ballot of each voter; but no voter shall vote for or against this Constitution on a separate ballot from that cast by him for officers to be elected at said election under this Constitution.

SECTION FOUR. A Board of Commissioners is hereby appointed, to consist of James L. Hodges, Joseph Brooks, and the President of this Convention, any two of whom shall constitute a quorum to transact business, who shall keep an office for the transaction of business at Little Rock, and who may employ such clerical force as may be necessary. Said clerks not to receive more *per* day for each day actually employed, than the *per diem* paid the Assistant Secretaries of this Convention; and who are empowered and authorized to appoint, or cause to be appointed, suitable persons for Judges and Clerks of Election, in each county in this State, to hold the elections therein, for all State and County officers, and for members of the General Assembly, and of the House of Representatives of the United States, and also for the ratification of this Constitution. Said election shall be held at such times and places in each county, commencing on the 13th day of March, and continuing on such successive days as the Commissioners may direct, to secure a full and fair vote at such election.

SECTION FIVE. The Judges of Election, appointed as aforesaid, shall make returns of the same, to said Commissioners, in such manner and under such regulations as said Commissioners may prescribe; which returns shall show the number of votes cast at said election for and against the Constitution, and the number cast for each candidate for the offices provided for in this Constitution and Schedule.

SECTION SIX. Any person contesting the election under this Constitution, for any State office or member of the General Assembly, shall do so before said Board of Commissioners, who shall have power to decide and declare the right to any office contested, and give the candidate, legally elected, a certificate of the same: *Provided*, said Commissioners may, in the cases of members of the General Assembly, whose rights to seats may be contested, refer the same to the General Assembly, for their determination. Said Board of Commissioners shall appoint the Judges and Clerks of the municipal elections to be held under the provisions of this Constitution. Said Judges shall conduct and make returns of said elections, in the manner prescribed by the charter of the city or village in which said municipal election shall be held.

SECTION SEVEN. Said Commissioners shall appoint suitable persons, as Boards, in every county, to hear and decide all cases of contested county elections.

SECTION EIGHT. The said Commissioners shall have power to inquire into the fairness or validity of the voting upon the ratification of this Constitution, and to count the vote given at said election, and shall reject all fraudulent or illegal votes cast at said election. And said Commissioners shall also have power, whenever it is made to appear that fraud, fear, violence, improper influence, or restraint, were used, or persons were prevented or intimidated from voting at such election, to take such steps, either by setting aside the election and ordering a new one, or rejecting votes, or correcting the result, in any county or precinct, as may in such cases be just and equitable.

SECTION NINE. That said Commissioners shall declare the result of the election upon the ratification of this Constitution; and if adopted, the President of this Convention shall transmit a certified copy of the same, together with an abstract of the votes cast, to the President of the United States, to be by him laid before the Congress of the United States for their approval or rejection, and shall also declare the officers elected thereunder; and if declared ratified, the Constitution shall, from and after that date, be in full force and effect.

SECTION TEN. No person disqualified from voting or registering under this Constitution, shall vote for candidates for any office, nor shall be permitted to vote for the ratification or rejection of this Constitution at the polls herein authorized.

SECTION ELEVEN. The Governor, and all other officers elected under this Constitution, shall enter upon the duties of their offices when they shall have been declared duly elected by said Board of Commissioners, and shall have been duly qualified. All officers shall qualify and enter upon the discharge of the duties of their offices within fifteen days after they have been duly notified of their election or appointment.

SECTION TWELVE. Upon notice of the election, or appointment, and qualification, of the officers elected or appointed under this Constitution, the present incumbents of all State, county, and city offices shall vacate the same, and turn over to the officers so elected or appointed, and qualified hereunder, all books, papers, records, moneys, and documents, belonging or pertaining to said offices, on application made by the officers elected or appointed, and qualified, under this Constitution.

SECTION THIRTEEN. Any person may vote at the polls herein authorized, for the election of officers and ratification of this Constitution, whom the Judges of said election shall be satisfied, by oath of the person offering to vote, and such other satisfactory evidence as they may require, is a legally qualified elector under this Constitution: *Provided*, the Judges of Election shall administer to every person offering to vote at said election, the oath prescribed in this Constitution.

SECTION FOURTEEN. In the event that either of the three Commissioners appointed by Section Four hereof, should be a candidate for any office, the other two Commissioners shall canvass the vote so far as relates to that office, and issue the certificate to the person elected.

SECTION FIFTEEN. In case of death or any disability of any member or members of said Board of Commissioners, the remaining Commissioner or Commissioners shall have power to fill such vacancy; and said Commissioner or Commissioners so appointed shall have full power to act, as though originally appointed.

SECTION SIXTEEN. Any person selling or giving away intoxicating liquor, during the time of the election herein provided for, shall be punished by a fine not less than two hundred dollars for each and every offence, or imprisonment not less than six months, or both.

SECTION SEVENTEEN. Said Commissioners shall provide suitable poll-books for each county, and such instructions as may be necessary to carry into effect the provisions of this Schedule. Judges and Clerks of Election, thus appointed, shall receive the same *per diem* as the Boards of Registrars provided for in the

Act entitled "An Act to provide for the more efficient government of the Rebel States," passed March 2d, A.D. 1867, and Acts supplementary thereto.

SECTION EIGHTEEN. The Commissioners herein appointed shall receive for their services, for each day actually employed, such compensation *per* day, and allowances, and in such manner, as are now provided for members of this Convention. All expenses incurred under this Schedule, not otherwise provided for, shall be paid out of the appropriation for defraying the expenses of this Convention.

AN ORDINANCE

TO PROVIDE FOR AN ELECTION BY THE VOTERS, REGISTERED IN THIS STATE, UNDER AN ACT OF CONGRESS ENTITLED "AN ACT TO PROVIDE FOR THE MORE EFFICIENT GOVERNMENT OF THE REBEL STATES," PASSED MARCH 2D, 1867, AND THE ACTS SUPPLEMENTARY THERETO.

SECTION ONE. *Be it ordained:* That any voter registered under the provisions of an Act of Congress entitled an "Act to provide for the more efficient government of the Rebel States," passed March 2d, 1867, and the supplementary Acts thereto, shall be permitted to vote in any county in this State where he may be at the time of the election, upon the ratification of the Constitution framed by this Convention.

SECTION TWO. That, in voting for or against the ratification of said Constitution, the words "*For Constitution,*" or "*Against Constitution,*" shall be written or printed on each ballot; but no person shall vote, at the polls provided for by this Ordinance, for any State or county officer prescribed in said Constitution.

SECTION THREE. Said election shall be held at such times and places as may be designated by the Board of Commissioners appointed under the provisions of the Schedule to the Constitution submitted by this Convention to the people.

SECTION FOUR. The secresy of the ballot shall be preserved inviolate. No Judge, Inspector, or other election officer, shall mark or deface, or furnish to be marked or defaced, any ballot cast at the poll at which he is acting, whereby may be ascertained the manner any elector voted.

(Signed) J. L. HODGES, Chairman,
CLIFFORD STANLEY SIMS,
JOHN MCCLURE,
JOSEPH BROOKS,
JOHN N. SARBER.

Mr. MALLORY. I move you, sir, that the Constitution, its Schedule, and Ordinance, be now adopted as a whole, and without division; provided, that any member may explain his vote on any point or points, and have such explanations entered on the Journal; provided that no member shall occupy more than five minutes in such explanation, except by consent of the house. I move the previous question.

Mr. GANTT. I call for the yeas and nays.

Mr. CYPERT. I rise to a point of order. There is, upon our minutes, a resolution that no final action shall be taken by the Convention, upon any ordinance, without the yeas and nays. The motion cannot be entertained, unless that shall be rescinded.

The PRESIDENT. The yeas and nays were ordered.

Mr. MATTHEWS. I would ask if there is not a rule that every ordinance shall be read three times.

The PRESIDENT. The rules have been suspended, as the Chair understands, upon the motion of the gentleman from Phillips [Mr. BROOKS.]

Mr. MATTHEWS. On this question?

The PRESIDENT. The Chair so understands it.

Mr. BROOKS. The motion was, that the rules be suspended, for the purpose of hearing *and acting upon* the Report of the Committee.

Mr. CYPERT. Perhaps I am not understood. The demand has been made for the previous question, it is true; but before calling the previous question, the previous question must be in order. I contend that the motion of the gentleman from Jefferson [Mr. MALLORY] is out of order, from the fact that it violates the provisions of a resolution which we have already adopted concerning the yeas and nays upon the final passage of every ordinance. That is the point I make.

The PRESIDENT. The Chair is of opinion that the motion is in order.

Mr. HODGES, of Pulaski. The motion now before the Convention is such an one as the honorable gentleman from White [Mr. CYPERT] submitted upon the franchise question.——

Mr. MOORE. I call the gentleman from Pulaski [Mr. HODGES] to order.

The question being,—Shall the main question be now put?

The SECRETARY proceeded to call the roll.

Pending the call of the roll:

Mr. CYPERT said: I move a call of the house. I desire every man to be here.

Mr. HODGES, of Pulaski. I second the call.

The demand for a call of the house was sustained.

The PRESIDENT. The Sergeant-at-Arms will prevent any member from leaving the hall.

The SECRETARY proceeded to call the roll.

Pending the call of the roll:

Mr. MONTGOMERY said: I move that the proceedings under the call be suspended. [Cries of "Object."]

The vote was taken; and,

Mr. GANTT calling for a division,

The question was decided in the affirmative,—Ayes 43, Noes 20.

ADJOURNMENT.

Mr. HINKLE. I move that the Convention adjourn.

Mr. SARBER. I move that the motion to adjourn lie upon the table.

Mr. GANTT. I ask for the yeas and nays.

Mr. HODGES, of Pulaski. I rise to a point of order. Is a motion to adjourn in order, while we are taking a vote?

The PRESIDENT. Where the previous question is called for, and the question is being taken, no motion is in order.

Mr. HINKLE. I understand a motion to adjourn to be always in order.

The PRESIDENT. Under most circumstances, it is; but under the circumstances stated by the Chair, it is out of order.

Mr. GANTT. I appeal from the decision of the Chair; and upon the appeal I call for the yeas and nays.

The yeas and nays were ordered.

The vote was taken upon the question,—Shall the decision of the Chair be sustained? and it was decided in the affirmative,—Yeas 46, Nays 19, as follows:

YEAS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Oliver, Poole, Priddy, Rawlings, Rector, Reynolds, Rounsaville, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, Van Hook, White, Williams, and Wyatt—46.

NAYS: Messrs. Adams, Beasley, Bradley, Corbell, Cypert, Duvall, Gantt, Hicks, Hinkle, Hoge, Matthews, Moore, Norman, Portis, Puntney, Shoppach, Walker, Wilson, and Wright—19.

So the decision of the Chair was sustained.

Pending the call of the roll:

Mr. BEASLEY (when his name was called) said: I do not know upon what I am voting.

The PRESIDENT. The question is,—Shall the decision of the Chair be sustained? The Chair has decided that during the taking of the vote upon the previous question, the motion to adjourn was not in order.

Mr. BEASLEY. My understanding is, that a motion to adjourn is always in order. I shall therefore vote No.

Mr. McCOWN (when his name was called) said: That same question came up in a similar case, when, the other day, I moved an adjournment; and it was then determined that it was not in order, hence, I vote Aye; though that decision was against myself.

Mr. REYNOLDS (when his name was called) said: I believe the motion to adjourn was made while the roll was being called, and after a member had answered to his name. I do not believe that a motion to adjourn was in order at that time. I therefore vote Aye.

The vote was then announced as above.

THE CONSTITUTION—RESUMED.

The vote was then taken upon the question,—Shall the main question be now put? and it was decided in the affirmative,—Yeas 45, Nays 21, as follows:

YEAS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Oliver, Poole, Portis, Priddy, Rawlings, Rector, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, White, Williams, Wyatt, and the President—45.

NAYS: Messrs. Adams, Beasley, Bradley, Corbell, Cypert, Duvall, Gantt, Hicks, Hinkle, Hoge, Matthews, Moore, Norman, Puntney, Reynolds, Rounsaville, Shoppach, Van Hook, Walker, Wilson, and Wright—21.

So the main question was ordered.

Pending the call of the roll:

Mr. VAN HOOK said: I do not think that I can vote advisedly, upon the main question, now. I therefore vote No.

Mr. McCOWN (not having answered to his name, and his name being called a second time, at the close of the call of the roll) said: I was necessarily out of the hall, and do not know what the main question is.

The PRESIDENT. The question is upon the adoption of the motion of the gentleman from Jefferson [Mr. MALLORY], that——

Mr. McCLURE was understood to rise to the point of order that the gentleman from Columbia [Mr. McCOWN], was not entitled to a statement of the question.

Mr. McCOWN said: I must, then, beg to be excused. I cannot vote without knowing what the question is.

The PRESIDENT. The Chair will state the question, for the gentleman's information. The question is,—Shall the main question be now put? and the main question to be put, if so ordered by the Convention, is upon the motion that the Constitution, its Schedule, and Ordinance, be now adopted as a whole, and without division; provided that any member may explain his vote on any point or points, and have such explanation entered on the Journal; provided that no member shall occupy more than five minutes in such explanation, except by consent of the house.

Mr. McCOWN. I see no use of staying here any longer. I think the Constitution presented is about what it will be. I have, given me, in that motion, the right to protest, and to explain anything, in regard to the

Constitution, that I see fit. I see no sense in staying here any longer, at the expense of the people. I shall vote Aye.

The vote was then announced as above.

Mr. CYPERT. I still rise to a point of order. The question before the Convention, now, is, I contend, out of order; and I call for the reading of the resolution, passed at an early day in the session of this Convention—no; I will show it by the rules.

The PRESIDENT. The Chair will again state, for the information of the gentleman, that the rules have been suspended.

Mr. CYPERT. Not so far as this point is concerned. The rule that the yeas and nays shall be called upon the final passage of every ordinance, is peremptory.

Mr. HODGES, of Pulaski. I rise to a point of order. As I understand it, explanation is now allowed, but anything foreign to the subject directly before the Convention is out of order.

Mr. CYPERT. I can see no difference, if each gentleman can call for the yeas and nays——

The PRESIDENT. The motion is perfectly in order.

Mr. CYPERT. I understand the motion to prescribe that the vote shall be taken without division.

The PRESIDENT. Division of what? The Chair understands the division mentioned in the motion to be, a division of the question; while it is provided that each member shall have a right to explain his own vote.

Mr. CYPERT. Oh! I didn't understand it in that way. [Laughter.]

RECESS.

Mr. GANTT. I suppose a motion to adjourn is now in order.

The PRESIDENT. The Chair is of opinion that the proper motion would be, to take a recess. The motion made is now pending. The main question has been ordered. The Chair is, however, inclined to the opinion that a motion for recess would be in order.

Mr. GANTT. I then move that the Convention take a recess until to-morrow morning at eight o'clock. [Applause.]

Mr. WILSON. I move to amend by substituting ten o'clock.

Mr. McCLURE. I submit, sir, and shall insist, that after a call for the previous question has been sustained, no motion can be entertained by the Chair until the main question itself is put. Had the demand for the previous question not been sustained, that action of the Convention would have carried this business over, until to-morrow, or some other day. On the other hand, the effect of the action of the Convention in ordering that the main question be now put, is to place that question before the Convention; and that, too, when no other motion can be entertained, except a call of the house.

The PRESIDENT. The Chair will be glad to hear suggestions from any gentlemen that are better informed, upon the point, than the Chair.

Mr. HINKLE. I have always understood a motion to adjourn to be in order at *any* time. If this is not *some* time, I know nothing about it. [Laughter.]

The PRESIDENT. The Chair has already stated that in general that is the rule, but that, in the opinion of the Chair, the present status of the question before the Convention constitutes an exception to the rule.

Mr. McCLURE. It seems to me that this proposition does not admit of discussion. The question upon which the Convention has acted was,—Shall the main question be now put? The Convention has decided that question in the affirmative. It *means* "now," and no other time.

The PRESIDENT. The Chair is inclined, as already stated, to doubt the propriety of a motion, either to adjourn or for a recess. The Chair had hoped to have the further suggestions of gentlemen, upon the subject.

Mr. McCOWN. I am not familiar with parliamentary usages; at the same time, after hearing the Constitution read,—of as great length as it is,—we should have some little time granted, certainly enough to read the document over, by ourselves. So far as any unnecessary haste is concerned, I am utterly opposed to it; and I believe it is right and proper that we should now take a recess. Whether or not it is right and proper that we should adjourn, I do not know. As regards the submission of explanations of votes, of course we are not now prepared to present those to the Secretary. Some gentlemen may not be prepared to cast their vote; and I think it is but fair and right that we should have a recess.

THE CONSTITUTION—RESUMED.

The PRESIDENT. The main question has been called for; and debate is out of order except by consent.

Mr. GANTT. I call for the reading of the Constitution.

Mr. MOORE. I second the call.

The PRESIDENT. The Chair has decided that when the main question has been ordered, the reading of any paper, connected with the question, is out of order.—Unless some authority is shown, to establish the propriety of the Chair entertaining a motion for an adjournment or recess, the main question will be put.

Mr. MOORE. Do I understand that we have to vote upon that instrument, one way or the other, whether we may understand it or not?

Mr. McCLURE. I would suggest that a motion to reconsider this vote may be taken. That is the only way to get out of it.

Mr. MOORE. I know that would not do any good.

Mr. BROOKS. I have no motion to make, and no debate to offer. I only wish to ask whether gentlemen desire to debate the Constitution, or any portion of it; and whether we will not, by unanimous consent, allow remarks, beyond mere explanations of votes.

The PRESIDENT. The Chair has already stated that the Convention may, by consent, permit debate.

Mr. HINDS. I hope that unanimous consent will be given, to those gentlemen who have intimated a desire to discuss the subject. They have before expressed themselves in favor of the adoption of the Constitution of '64. Perhaps, after hearing this, they may like it better.

The PRESIDENT. By unanimous consent, leave may be given to any gentleman who desires to speak. [Cries of "Leave."]

Mr. CYPERT. I believe the main question has not yet been voted upon. I understand the question to be upon the adoption of the resolution.

The PRESIDENT. Yes, sir; the question is upon the motion of the gentleman from Jefferson [Mr. MALLORY.]

Mr. CYPERT. When that shall pass, I suppose the question will be upon the adoption of the Constitution.

The PRESIDENT. The question has been more than once stated by the Chair. The question is upon the adoption of the Constitution, its Schedule, and Ordinance.

The SECRETARY began the call of the roll.

Mr. BEASLEY (when his name was called) said: Are we voting upon the Constitution?

The PRESIDENT. Yes, sir. Unanimous consent has been given, to such gentlemen as may so desire, to speak. If no gentleman desires to speak, the question will now be taken.

Mr. BEASLEY. Are we to vote upon the Constitution as a whole?

The PRESIDENT. Yes, sir.

Mr. MATTHEWS. I have some objections to the Constitution; but I wish, in any remarks I may make in debate, to-night, to confine myself to the subject of the elective franchise.

Mr. McCLURE. I would suggest that gentlemen make their speeches in the order in which their names come upon the roll. Further consent than that, I am not willing to give.

Mr. McCOWN [*in his seat.*] Consent is already given.

The PRESIDENT. Unanimous consent was given by the Convention. Will the gentleman [Mr. McCLURE] be kind enough to inform the Convention what was his intention—that gentlemen should speak as their names are called, or as they may see fit?

Mr. BROOKS. O no! I think gentlemen ought to have an opportunity to speak when the spirit moves.

Mr. HINKLE [*to Mr.* BROOKS.] I thank you, very kindly—the comparison being that you have had the whole time to speak, and grant us a morsel, now!

Mr. MATTHEWS. So far as I am able to judge from having just heard that proposed Constitution read, for the first time, the objections to it are numerous and enormous. But as, under the rule adopted to-night, I can speak only during the pleasure of the Convention, I will merely occupy its time to discuss what I conceive to be the most salient of those objections,—that is to say, the provision regarding the elective franchise.

Sir, the considerations which influence, or should influence, our action upon the question of the elective franchise, are so numerous and so conflicting, and it is so difficult to determine which of them is entitled to precedence the one of the other, that in submitting, as I am about to do, my views upon this subject, if I should do so with the least degree of arrogance or dogmatism, or, indeed, without some distrust even of their entire correctness, I would discover but a poor appreciation of the difficulty and delicacy of the task before us.

While, therefore, the conclusions at which I have arrived, upon this question, are the result of the most earnest and patient reflection of which I am capable, they constitute no obstacle to that respectful and candid consideration of the opinions of others, which, at their hands, I would bespeak for my own.

It is scarcely necessary to observe that the circumstances under which we are here, devolve upon us the duty of framing a constitution, if it be possible to frame such a one, that will be tolerable to the people of the State, which will be acceptable to Congress, and such as will be ratified by the registered voters of the State. Unless we can frame a Constitution coming up to every one of these requirements, we might better not have met here, and the sooner we return to our homes the better for the interests of the State.

I believe it possible for us to frame such a Constitution. But I also believe that in framing a Constitution, there is but one path upon which the requirements I have mentioned can be met, and that all others lead to inevitable failure of the present plan of reconstruction.

I believe that if we frame a Constitution, in other respects not particularly objectionable, and if, in the provision regarding the elective franchise, we fully and unequivocally, but at the same time simply and only, comply with the conditions which Congress has prescribed in the Reconstruction Acts, we may reasonably hope for the State's restoration to her wonted relations with the General Government, by the present effort. But if we fail to comply with the conditions, or if we shall go any further than a compliance therewith, we will have no just grounds for such a hope. This is not the place to argue that a Constitution complying with the conditions named, would or would not be tolerable to the people of the State.

It was well understood in the late election, that the only need of a Convention was, to frame a Constitution in conformance with the requirements of the Reconstruction Acts. Therefore, when the people voted to have a convention, they in effect voted to have a constitution framed in accordance with those acts. It is not the province of this Convention, therefore, to consider whether such a constitution would promote the happiness of, or be tolerable to, the people, or not. If this question is to be further considered, it must be by the people themselves, between this and the time they shall vote upon the ratification of the Constitution.

While, then, we may exercise a discretion with respect to the Constitution, in other particulars, and consider how, in other respects, it might or might not conduce to the happiness of the people, we are bound to make the Constitution we shall frame, meet the requirements of the Reconstruction Acts—otherwise, we violate the trust which the decision of the issues in the late election has devolved upon us.

I deem it unnecessary, also, to occupy the time of the Convention in arguing so plain a proposition as that Congress is at least as likely to accept of our Constitution, if it fully but only comes up to the requirements of the Reconstruction Acts, as if it undertook to go beyond them; but will proceed at once to point out what are and what are not the requirements of the Reconstruction Acts, with respect to the elective franchise, and afterwards to show the probable result of this Convention either failing to meet, or going beyond, these requirements.

The 5th Section of the Act of Congress "to provide for the more efficient government of the rebel States," which is the only law I know of in point, reads as follows: (I invite particular attention to that clause of the law which reads—)

"*And when such Constitution shall provide that the elective franchise* SHALL BE ENJOYED BY ALL SUCH PERSONS *as have the qualifications herein stated for electors of delegates.*"

Who are the persons, I would inquire, that have the qualifications stated in that Act, for electors of delegates? They are, sir, all the male citizens of the State, twenty-one years old and upwards, of whatever race, color, or previous condition, who were resident in the State for one year previous to the day of the late election, except such as were disfranchised *for participation in the rebellion*, or for felony at common law.

But who are disfranchised for participation in the rebellion? Not a single individual, white or black, except those excluded from the privilege of holding office by the proposed amendment to the Constitution of the United States. Not a single registered voter, who rightfully registered.

Then how, sir, can this Convention, which has no business on earth except to frame a Constitution in accordance with the requirements of the Reconstruction Acts, undertake by that constitution to disfranchise just such persons or classes as it deems proper to disfranchise?

Every gentleman on this floor will admit that if we were to fail to confer the elective franchise upon the negroes, we would fail to meet the requirements of the Reconstruction Acts: why, then, will we not equally fail to meet those requirements if we deny, by the constitution we shall frame, the elective franchise to white men, to whom Congress has not denied it?

Surely gentlemen who are favoring this extensive disfranchisement have not read, certainly have not critically examined, the Reconstruction Acts. And I do beg that they will do so before voting upon this question. And when they see, as I think they are bound to see, that to deny the elective franchise to any who were rightfully electors of delegates to this Convention, would be as much a failure to meet the requirements laid down by Congress, as a condition precedent to reconstruction, as though we were to deny it to the negroes, or to any other class which Congress in that act provides must enjoy it, they will not favor such denial.

Sir, for my own part, being fully convinced that such a disfranchising provision as is proposed would not be in consonance with the requirements of the Reconstruction Acts, and being likewise fully convinced that to frame a Constitution coming fully up to those requirements is our highest duty as delegates here, and having solemnly sworn faithfully to discharge my duty as a delegate, I could not possibly favor it, even if other considerations did not forbid.

But while we cannot, without disregarding the requirements of the Reconstruction Acts, withhold the elective franchise from any man possessing the qualification of elector of delegates to this Convention, we are not bound by those acts to disfranchise any man who does *not* possess those qualifications. We, sir, can fully meet every requirement of Congress, without disfranchising any class or any man.

I know of nothing under the sun upon which the argument of those who claim that we are bound to disfranchise certain classes for participation in the rebellion is, or can be, based, other than the clause in the law I have read, which is as follows—"*except such as may be disfranchised for participation in the rebellion.*"

Now, as to this clause, it is hardly necessary to point out, to any one at all conversant with the English language, that the clause has reference exclusively to the qualifications of electors of delegates to the Constitutional Convention. And though Congress has, by the Reconstruction Acts, required that every one, having the qualification of an elector of delegates to this Convention, shall have the elective franchise under the Constitution we shall frame, there is not, sir, a single requirement, hint, or intimation, in any Act of Congress upon the subject of reconstruction, making it our duty to disfranchise any one for not possessing those qualifications. And nothing has surprised me more, in this Convention, than did the animadversions of honorable gentlemen on this floor, against a resolution of mine, proposing an instruction to the appropriate committee, to simply inquire into the expediency of disfranchising no one for participation in the rebellion—and the assertion by them that the resolution contemplated a failure, on the part of the Convention, to meet the requirements of Congress. Sir, as I have said before, there is no requirement that the Constitution should withhold from any one the elective franchise. And if we disfranchise any class for participation in the rebellion, it will have to be for some other reason than that it is necessary in order to make the Constitution acceptable to Congress.

I come next to speak of the chances of ratification which a constitution coming fully, but only, up to the requirements of the Reconstruction Acts, compared with those of a proscriptive one, or of one disfranchising any class for participating in rebellion.

Sir, I am not prepared to assert that if we frame a constitution the least objectionable to the white voters of the State it is possible for us to do, and yet make it conform to the Reconstruction Acts, it will be ratified. As I have said before, I believe it will, but am not entirely certain it will. And I do not believe it will be ratified by anything like so large a majority as there was in favor of a convention, in the late election. A few weeks only before the late election you could scarcely hear of a man in this State, who did not believe that the best that could be done was to come forward and reconstruct upon the Congressional plan. But about that time, for causes it is not necessary to recur to, a reaction set in upon this subject, and there grew strengthened an opposition to reconstruction so considerable, that at the election there were 13,558 votes against a Convention, out of 41,134 votes polled; and some 25,000 voters had become so doubtful of the propriety of voting for a Convention that they did not vote at all.

Now, sir, the indications are that this reaction had not reached its culminating point at the date of the election, if indeed it has yet. Since then the most herculean efforts have been made, and indeed are now being made, by the opponents of reconstruction. Their forces are mustered and disciplined, their organization is complete and in full operation; and, sir, if those who favor reconstruction by the present effort would succeed, they will require every advantage of the situation it is possible for them to take. If, sir, we give our opponents the arguments that we have denied to and withheld the elective franchise from citizens, without any requirement, therefor, by Congress,—in a word, sir, if we shall enter the contest in support of a constitution loaded down with innovations upon American and common-sense republicanism, in my humble judgment inevitable defeat awaits us.

Some gentlemen seem to think that a majority of the registered voters of this State are abstractly and enthusiastically in favor of the Congressional plan of reconstruction. They will permit me to warn them that if such an opinion is founded at all upon the vote at the late election, in my portion of the State, it is, at least to that extent, erroneous, and, I believe, entirely erroneous.

The white men who voted for a Convention in my County, did not prefer the Congressional plan to the President's plan of reconstruction; but they voted as they did, because they saw little or no hope of reconstruction in any other direction, and many of them, indeed, voted for a convention without having determined even that they would vote for a constitution framed in accordance with the requirements of the Reconstruction Acts, however unobjectionable in other respects it might be. They thought there would be no particular harm in having such a constitution framed, and submitted to the people for ratification, and that they would consider further as to whether they would finally vote for its ratification. They thought that to peremptorily vote down a convention would be construed as a defiance of Congress, and therefore, in some sort, of the General Government, and would in other respects be susceptible of misinterpretation by the people of the North. They were not willing to have it said that the people of the State would not entertain even the most remarkable proposition looking to reconstruction. But they had not made up their minds that it was best to accede to the terms offered. Others, again, who have concluded that it is best, upon the whole, to reconstruct upon the Congressional plan, and who will vote and work for a constitution granting universal manhood suffrage, will vote and work against a constitution which denies suffrage to any class, for participation in the rebellion.

The white people of Arkansas, with but inconsiderable exception, I think, do not want negro suffrage; they do not believe in the justness or propriety even of having it forced upon them; but a good portion of them have not felt that we could afford to neglect the conditions which Congress has prescribed for our rehabilitation. But, sir, I apprehend that few of these will perceive a necessity for compliance with whatever additional conditions this Convention shall take upon itself to interpose.

And I tell you, sir, if this Convention shall frame a constitution which, after enfranchising the negroes, shall deny to white men the elective franchise, for no offence of which they have been convicted, it will most assuredly be defeated. Thousands who voted for a convention will vote against the Constitution; nearly every registered voter who failed to vote in the late election will be on hand, and in opposition to the Constitution. Nor, sir, can the negroes be counted on, to support with unanimity a constitution against which a large portion of the white men with whom they voted in the recent election shall be arrayed.

In counties where the negroes are largely in the ascendant, numerically, I admit that they are likely to vote any way their party managers require.

But in districts where they are equalled or outnumbered by the whites, where every negro has for his friends, neighbors, advisers, and patrons, two, three, or half a dozen white men, they voted for a Convention because, in part, at least, those white men voted that way or were indifferent upon the subject, and therefore did nothing to counteract the effort of those sent to manipulate the negroes. And if, sir, when all the white men, in whose midst they are, shall be earnestly and actively opposed to the ratification of the Constitution, the negroes will to a great extent be carried along with them, in spite of all the tactics and enterprise that can be used to prevent it.

The point that I wish to make, then, is that the ratification of a constitution, coming up to the requirements of the Reconstruction Acts, is by no means a foregone conclusion, and that if we frame a constitution still more objectionable to the white people of the State, it is almost certain to fail of being ratified.

But some gentlemen have said that if they cannot get a constitution which shall disfranchise the rebels, or a particular class of the rebels, they don't want any. That is to say, if they cannot have reconstruction upon their own terms, they do not want it at all. And yet these very gentlemen say that I, and those with whom I concur, are unsound upon the subject of reconstruction. (It was in reference to a resolution offered by myself, that these remarks were called out.) We desire reconstruction for its own sake —nay, sir, we want reconstruction in spite of the fact that we have to take it mixed with what we regard as an evil; and yet, sir, we are called unsound, by men who are unwilling to have reconstruction, unless it is such reconstruction as will put the success of their party beyond peradventure! How much sounder reconstructionists are these gentlemen themselves, than are even the Democrats?

They desire reconstruction if it will secure the success of the Republican party, but not without—the Democrats, also, are anxious to have reconstruction, provided they can have it upon a basis entirely safe to the Democratic party.

Now, sir, we, the few of us here, whose devotion to the best interests of the State and the country is not circumscribed by any party lines, are willing and anxious to have reconstruction for its own sake. We are willing to take reconstruction, even if thereby neither Republican nor Democrat ever holds office again.

But some, who are in favor of a proscriptive Constitution, claim that if it is not ratified by those who are now qualified to vote, another law of Congress will soon be enacted, confining the question of ratification to such classes as will not fail to ratify it. But I do not think that those who are earnest in their professions of a desire to have full political rights conferred upon the negro, because they believe them due him, and not because of any mere party purpose, will trade the chances which Congress has already given them of effecting that object, for a chance that Congress will enable them to effect a further and different object.

Evidently, the masses at the North are beginning to suspect that others, as well as those lately in rebellion, may be to blame for the postponement of reconstruction. They, it is certain, are not abstractly in favor of negro suffrage; but they have thus far acquiesced in its being forced upon the South, because led to believe that it was an essential means of reconstruction.

But when the State of Arkansas has said, as she has by the late election, that she desires reconstruction, even though she has to take it upon terms which are repugnant to white men, North and South, and everywhere, I think the people of the North will be ready to say,—" 'Tis enough." And, sir, when a party shall, for its own ends, still further outrage the instincts, heart-promptings, memories, and teaching, of the American people, by other innovations upon American and common-sense republicanism, and when the people of our State shall refuse to endorse those further innovations, the people of the North will say Amen! to that refusal; they will perceive that the more there is yielded to the demands of Radicalism, the more there is demanded, and, in their disgust, will declare,—"We have already gone too far—let us return to the old landmarks, to the old original time-tested principles of our fathers."

Sir, I took the ground, in the late contest upon the question of convention or no convention, that the public sentiment of the country was in such a state of incertitude, impatience, and, indeed, exasperation, regarding and on account of the postponement of reconstruction, that the Southern people could not afford to peremptorily reject the Congressional plan of reconstruction.

And I will now and here say and proclaim, that for the very same reason, those who desire the political equality of the two races, not for any ulterior object, but because of what they believe to be right, cannot afford to practically reject the Congressional plan of reconstruction by the interposition of further and other conditions, to which the people will not, ought not, and cannot accede.

Mr. NORMAN. Nothing so pointedly distinguishes us from the brute, as the desire to live in favorable memory of those who are to come after us. The man of noble instincts feels that "it is not all of life to live, nor all of death to die." How forcibly this truth ought to impress itself upon the mind of every member of this Convention! The work which we are doing is not for a party, nor for the fleeting life of a day. Possibly our children's children will bless us for our patriotic, wise, prudent, far-seeing statesmanship; or mayhap they will damn us through all the coming years of time, for our folly, our partisanship, our wilful disregard of the teachings of history, and the lessons of our Creator; inscribing upon our humble tombstones—"They gave to party what was meant for mankind." An intelligent and observing stranger from a remote country, would be utterly astonished at the excitement, the turmoil, the angry and bitter contentions, which agitate the public mind. The great rebellion has long since ceased to affright us from our propriety. Every man is vying with his neighbor in protestations of loyalty to the government of our fathers. Governors, judges, sheriffs, officers legislative, executive, and judicial, abound everywhere as of yore; yet the republic rocks and reels as a drunken man. Uncertainty, despair, forebodings, and "chimeras dire," hold their unwelcome revellings in all our bosoms, and, like Banquo's ghost, will not down at our bidding.

"Why," asks the uninformed stranger, "all this? Why is business prostrated? Why this great financial crisis, while the issues of 'greenbacks' are as thick as the 'leaves that strew the vale of Vallambrosa.' Why does a general bankruptcy, like a gloomy cloud, hang over all the land? Why is the laborer and the landlord alike impoverished and hopeless? Why are Jeremiahs and prophets of evil abounding everywhere, weeping over our disasters, or warning us of the future?"

I assert, sir, and the solemn verdict of history will as surely sustain my assertion, as the night will follow the day, that it is the assumed, but false and wicked position, that the Southern States need reconstruction. From the wide and placid waters of the Potomac, to the Mexican Rio Grande, the people, in every legitimate sense of the word, are loyal to the Government and the Union. Over all that boundless region State governments exist. Over all this vast Southern country, peace, prosperity, and plenty, would this day be hovering with angel wings, and we could grasp the hand of every man as a brother, but for the fell spirit of party, but for this insane purpose to rule or ruin. Party, the love of power and of spoils, by a devilish incubation, have hatched a brood that are bringing woes unnumbered upon our afflicted country. If I did not think, like the patriotic old Roman, that the city was eternal, I should be ready to say: "We perish." But the great God of our fathers will be with us even in these desperate days; and when the storm has ceased, how *pure will be the atmosphere it will have cleared!*

Our unsophisticated stranger, who makes all these pertinent inquiries, will be astonished to know that the now dominant party, fishing in the broad ocean of chance for a new lease of power and plunder, should have hooked a scheme so falsely named, and so fatally pregnant with mischief. *Reconstruction* is the word—which is only to be effected by the aid of African votes. This is the great sun, before which all other issues and matters, political and social, "pale their ineffectual light." The broad and startling proposition is announced to the world, that no government can be made in these Southern States, loyal and true, without the aid of negro votes. Every white man who puts his fist to that clause of the proposed Constitution, signs a libel upon his race, and sanctions a wrong which he must know is unwarranted and unwarrantable.

When we protest against this, in the name of our blood and our country, our Republican friends sing the same unvarying song—"Reconstruction—we must reconstruct the State." When they themselves know, as well as they know that God is in heaven and the Devil in hell, that if there had been no negro votes in the South to help lift to office and to plunder, we would have been long ago, without any aid of theirs, the most *beautifully* reconstructed political fabric under the broad cerulean canopy. [Applause on the left.] O how fatal is the spirit of party! It is now seeking to tear down a beautiful Corinthian temple, and erect in its stead a rude and disfigured fabric, with unhewn and shapeless material from Dahomey and the Nile!

The political doctors are reducing all to chaos—are making the body politic sick, because they claim special skill in curing, when they themselves do the destructive work; upon the same principle that the notorious quack operated with all his patients—whatever might be their disease or sickness, he asserted that he always threw them into fits—as he was *hell on fits*. [Laughter.] The country is thrown into *fits*, *political*, *social*, and *financial*, that Thad. Stevens, *et id omne genus*, may demonstrate to the world that they are hell on Reconstruction! [General laughter.]

This fact is certainly apparent to every student of history, that no two dissimilar races have occupied the same territory, and maintained amicable relations, except in case one was subordinate to the other. The Moors and Spaniards warred for ages, and there was no peace till the Crescent gave way to the Cross. Celt and German, Norman and Saxon, never ceased to hate, and spill blood, till one or the other was annihilated, or the discordant elements were mingled in the great river of life.

By giving the colored man the elective franchise, you at once strengthen and intensify class and race feelings and prejudices. It will be but tomorrow when all the blacks will constitute one party, and all the whites the other party. Where, then, the safety to either, or peace and prosperity for our country?

Education and Christianity may modify the character, but prejudices of race and color are almost as unchanging and unchangeable as the God who gave them. The more highly civilized the people, the stronger and more intense the race-prejudices and sympathies.

You, then, who love peace, you, who are willing to trust to the justice, the impartiality, the virtue, of your own white race, should at once lift your hands against this precipitate enfranchisement of an inferior, ignorant, and dissimilar people. As a laborer, and in a subordinate political position, the negro will be protected, courted; as a politician, despised, detested, destroyed.

Is not the colored man fully protected in life, in property, and reputation, in Ohio, in Kansas, in Minnesota? Where, then, is the Arkansan base enough to assert that the people of these States are better than we? If any, speak, for him have I offended! Away then with this slander, that the negro must vote, to shield himself from oppression and wrong!

Again, you are investing him with the elective franchise at the point of the bayonet, against the expressed wish of the millions of white people of the Southern States. This opposition is almost unanimous. Those whites favoring it, are of recent importation, or those desiring offices, or the few, honest, *timid few*, who have been frightened with the shadowy ghosts of confiscation, and other dire threats from a Jacobinical Congress. Can you hope to build a lasting fabric, when millions of hands are ready, and millions of hearts willing, at the first favorable opportunity, to pull it down and trample it in the dust?

I tell you, to-day, Mr. President, this opposition will grow stronger and stouter, with the developments of each returning day, and the time is not distant when all those who have thus attempted to degrade their own race, will call upon the rocks and mountains to fall upon them, to hide them from the wrath and indignation of an injured people.

By accident, we are in a minority here now. But there are twenty thousand majority of the registered voters, and the uncounted thousands disfranchised, of this State, at our backs; and we may safely say, we can follow them and fear no evil.

It must be wrong; it must be dangerous; it must ultimately fail, and fail signally, when it meets at every step, in spite of threats, and bullyings, and cajolings, such stern and relentless opposition. In every aspect in which it can be viewed, the giving the elective franchise to the negro, is fraught with evil, and evil continually. It will engender and precipitate race-conflicts; it will force the negro from his true sphere; and you might as well expect harmony in the starry heavens with the planets out of their orbits. It will plant the seeds that will germinate into political corruptions that would shame Catiline or Danton. If successful, the greatness and glory of our country are gone forever! Washington, Madison, Jefferson, and Marshall, will have lived in vain. The young star of Arkansas, but lately so brightly shining in the political firmament, will, like the lost Pleiad, wander back into utter night.

I appeal, then, to all who love Arkansas, who expect to make her people their people, and her God their God, to touch not, taste not, handle not, the unclean thing!

We are hourly told that the State must have reconstruction, in order that peace, prosperity, and quiet, should follow in its wake. Is there any sensible, honest Arkansas Republican, longer to be deceived by so gross and patent a falsehood? Look at the horrid and wicked oath which the proposed Constitution requires to be taken, and do you believe that there is any honest desire to reconstruct the State Government upon honorable and just terms? Do you not see that every decent white, who "fears God or regards man," is forever debarred the right and privilege of participating in the government of a State which is to tax him, to rule him, to guide his daily life and walk?

They have not the courage, like Robespierre, to cut off heads, with the actual guillotine, till their enemies are reduced to a minority, but with an ingenuity hardly less cruel than that of the great Jacobin, they fetter all the good and noble of the State, that they may torture and degrade, that license and plunder may go unwhipped of justice, that all who love their country may stand like chained martyrs, helpless witnesses to public ruin and public plunder. May we not exclaim, with the indignant old Roman, "O tempora, O mores!"

How basely have the Union men of Arkansas been betrayed! How have all their assertions been belied and falsified. How have all their hopes been disappointed! We believed that Arkansas could not secede,—that Arkansas once a State was always a State,—that rebellion had abolished slavery, but not all the rights and privileges of American citizens—that to have been a slave and an African did not fit men for the high duties of statesmanship. Yet such are the dreadful teachings of the hour. Yet such are the solemn declarations sought to be incorporated in the fundamental law of one of the once proud States of the American Union.

I never was a last-ditch man. Blood and thunder declarations were never regarded by me as tests of manhood or evidences of fearless determination. But I can say to you now (and I feel it as an inspiration) that the people of this State will never submit to so monstrous, so cruel, so degrading terms, as you are this night attempting to rivet upon them. Never! Never! If this be treason, make the most of it. When you have bound every man hand and foot, and placed a guard at every door, then and then only can you hope to carry measures so fraught with ruin and degradation!

You claim that the people were betrayed into secession by their leaders,—that their hearts were all right,—that they were misled. An honorable member asserted, the other day, upon this floor, that if the Ordinance of Secession had been submitted to the people of this State, they would have indignantly voted it down. Yet the same misled, honest, deceived Union men of Arkansas are turned over to the tender mercies of a negro government, run by "carpet-sack" politicians, who are breathing out slaughter and vengeance! Is this a specimen of the charity of the "God and Morality" Party?

I must appeal to you again, men of Arkansas,—men whose destinies, whose all, are identified with our young and noble State. Will you let passion, and prejudice, and the bitter memories of the past, warp your better judgment, and blind your minds? "Whom the gods wish to destroy they first make mad." Gentlemen complain of rebel outrages and plunderings. These cannot be justified. Civil war is the fruitful womb from which they spring. The wonder is, that the outrages and wrongs on both sides were not tenfold greater. But we are not here to punish treason or to convict felons. The ostensible object is to establish a civil constitution and government for the State of Arkansas.

By oaths, by gerrymandering, by means as detestable as they are unjust, three-fourths of the white people of Arkansas are deprived of voice in their own government. And this, too, by the party claiming to be the REPUBLICAN party.

You who can endorse that iniquity have stouter hearts than he who leads the forlorn hope or faces the booming cannon. For, I assure you, the indignation, the frowns, the curses, the just and damning denunciations of a betrayed, hopeless, despairing people, will haunt you to dishonored graves.

Come out from among them, then, my brothers of Arkansas!

> "For whilst the lamp holds out to burn,
> The vilest sinner may return."

[Laughter.]

The angry passions of the day must soon give place to reason, and the wicked purpose to plunder, wither before the sunlight of truth. The people of the United States, and a coming Congress, will yet do us justice, and strike the manacles from our limbs. That the day may speedily come, let us hope, let us ever pray. I glory in a just and constitutional Union. I can grasp in all this great country, in my love and admiration. I want us all to be *brothers*. I want that glorious old banner to be again the emblem of our national unity and brotherhood.

But, sir, if that Constitution upon your table becomes the law of the land; erase forever from the flag the *star* of Arkansas, and widen, and deepen, and lengthen the *stripe*, as a perpetual memorial of her degradation and her sorrows!

Mr. MURPHY. I had not intended to have anything to say, in this Convention; and I have waited, long and patiently, in silence. But as some gentlemen upon the other side glory in flinging a firebrand upon the colored man,—the negro votes,—and boasting of their great intelligence, though they may have obtained the means of education by the black man's sweat, it is enough to fill any man with the inspiration to rise and express the sentiments of his mind. They are boasting, upon the other side of the house, about their great intelligence. Though I believe there are some good gentlemen there, they cannot find where the colored man has a right to vote. They have traced the histories of America; they have traced the histories of the nations of the world; and they cannot find where the colored man has the right of suffrage. They have traced back the history of the world, for thousands of years; and in it all they cannot find where the colored man has the right of suffrage. He is represented as a brute; he is called everything except a human being. But if you will only fly to the supreme law of nations, the supreme law of God, you will find that the colored man has not only the right to liberty, but to every privilege of an American citizen. When lifted up by the hand of an all-wise God and an overruling Providence,—when the late war resulted in the issuing of the Emancipation Proclamation by Abraham Lincoln,—four millions of our enslaved brethren were called to aid in the establishment of this Union of loyalty. For the colored troops have made full proof of their loyalty, they have made full proof of their capabilities; they have marched to the field, and they have stood upon the field; they have protected the Union cause, when the flag was insulted by the boast of South Carolina, that she intended to make African slavery universal in the country; they have stood amidst the storms of iron hail, when thundering cannons roared around them, when thousands fell both right and left—they still stood fast and protected that Union flag. So they stood; and while gentlemen have been compelled to surrender the sword, at the same time they will rise here, now, under the flag of the Union, after they have dropped their swords and their bayonets, and seek to limit our privileges! I would never have spoken, here, but to say this to the men that have been our masters, men whom we have brought to the very condition they are in, and have not only fed them, but have clothed them, have tied their shoes, and finally have fought until they were obliged to surrender. Yet, now that they have surrendered, they say we have no rights! Has not the man who conquers upon the field of battle, gained any rights? Have we gained none by the sacrifice of our brethren? And not only so, but we are united with the Republican Party. I have longed to see the line of separation withdrawn. And every time these gentlemen come to this hall, they represent the negro as a goat—a goat! They have forgotten that we have tied their shoes, that we have clothed them, that we have driven them in their carriages, we have reared them, in their castles, we have furnished them all the means they now possess in the world, and we have furnished them money to employ the overseers to drive us in the field, where they have driven us all the day and half the night, and then again before the morning light. And now, when we are free, they say that we have no right! no right! [Applause on the right of the hall.]

Mr. MOORE. This is a monstrous thing! We are the representatives of a great people. We have assembled here under extraordinary circumstances. We have come together for a specific purpose, for the purpose of framing an organic law for the government of the people of Arkansas,—a great, a noble, and, I believe, an honest people. But I must say, I have felt a great deal of astonishment, to-night, at what I have heard. When I sat in my seat, to-night, and listened to the remarks of gentlemen on the opposite side of the hall,—remarks which I regarded as trespassing upon the rights, the interests, and the feelings of the people of Arkansas, I must say that my poor heart was almost ready to bleed, to think that such men as those from whom these remarks proceeded, had ever polluted the soil of Arkansas. I must say that I was sorry that they had not staid upon a different soil—I must say that I wished they had never set their foot upon that of Arkansas.

But, sir,—to leave that subject,—I am called upon, in a very brief space of time, to vote upon the instrument that lies upon the table of this Convention. That instrument is to be the organic law of Arkansas. It is to be the law under which I expect to live; it is to be the law by which my children are to be governed. I desire, sir, to express some views, regarding that instrument, here, to-night, in a very humble way. I desire to take no grand position—for I feel very simple in this concern. This instrument is one that all heaven, I believe, must blush, to-night, to see put forth to the people,—an instrument which I feel ashamed that anybody should come upon the soil of Arkansas and attempt to stuff down the throats of the people of the State. It proposes, sir, to disfranchise a large portion of the people of Arkansas. It proposes to disfranchise me. It proposes to disfranchise my neighbor, over there—

Mr. HODGES, of Pulaski. I rise to a point of order.

Mr. MOORE. I expected that. [Laughter.] [*To Mr.* HODGES.] I expected your ears would be tickled a little, before I should get through. Just keep your seat, and I will tickle you, before I have done, worse than I yet have.

Mr. HODGES. I wish to correct the gentleman. That instrument provides for your disfranchisement, only in case you should disfranchise yourselves.

Mr. MOORE. [*To Mr.* HODGES.] Take your seat. If gentlemen are going to interrupt me, I wish they would do it all at once.

I repeat, that instrument proposes to disfranchise a large portion of the people of Arkansas. It ought to disfranchise the gentleman who has just spoken. If he is as good a man as I am, it will disfranchise him. But I must say, as a man who hopes and expects to live and die under the same government under which I was born, that no constitution can afford to disfranchise the intelligence of the country. The instrument which lies upon the Secretary's table does propose to disfranchise the people of Arkansas; and it goes further,—its provisions would disfranchise the people of the Southern States; and I say no republican government can afford to do that. Sir, whenever you disfranchise the intelligence of the country, you organize, in your own land, an enemy. Nor does the effect stop there. The *influence* of the intelligent classes is disfranchised—and their influence is double, in proportion to their numerical strength. I say that no republic under the heavens can sustain the burden of a disfranchisement of the intelligence of that republic. Sir, is there any pretense that this is not proposed by the instrument which we here have submitted to us? And if it is, I say that it comes before the people as a bastard, without a name—and a bastard that never *will* receive a name, in Arkansas.

We did not come here to send out to the people an instrument of that sort, telling them to disfranchise the intelligence and respectability of the country. We came for a nobler and higher purpose. With what purpose did the men assemble, who met, in this hall or elsewhere, in 1836, to frame a government, "republican in form," for the State of Arkansas? Did they come with that kind of spirit shown here to-night? Did they come to force upon the people an instrument thus odious in the extreme——?

A MEMBER. I would ask the gentleman what kind of Convention assembled here in '61.

Mr. MOORE. Take your seat, if you please.

The PRESIDENT. The gentleman from Pulaski is not entitled to the floor without the consent of the gentleman from Ashley [Mr. MOORE.]

Mr. MOORE. I do not wish to be disturbed in my remarks. If the gentleman wishes to say anything more, while I am speaking, I hope he will finish now.

This instrument, I say, disfranchises a large class of citizens; and I stood up, upon this floor, holding up my hand, while you, sir, administered to me an oath which implied that I would consent to do nothing of the kind. I felt, sir, when I took that oath, that I was going to do my whole duty to the people of Arkansas. I believed that you acted in all good conscience, and I believed that you had the right to administer that obligation. I meant to live up to it. And yet, now, sir, I am called upon to vote for that instrument, when by so doing I would be violating the sacred obligation which you administered to me. I should be recreant to all the feelings that ever palpitated in this bosom of mine, if I were to prove false to that sacred obligation. I would not swear to a lie, for all Arkansas; I would not swear to a lie, for the benefit of all the members of the Republican Party, in the world. I would not swear to a lie, for all the world itself. I do not think I would. That sacred instrument which you swore me to support, the Constitution of the United States, declares, in the Second Section of the Fourth Article, that

"The citizens of each State shall be entitled to all the privileges and immunities of the citizens of the several States."

Now, Mr. President, the Constitution that lies upon the Secretary's desk, proposes to enfranchise all Africa; while, if, to-night, the negro of Arkansas, who by this instrument is to be awarded the right of suffrage, were to go into Iowa, into Kansas, into Connecticut, or any of those States, he could not enjoy the immunities which it is proposed to give him here.

Mr. COATES [*in his seat.*] He can go to Ohio.

Mr. MOORE. He could not do it, a few days ago.—He cannot do it to-night.

Mr. COATES [*in his seat.*] He can go there at any time he chooses.

Mr. MOORE. Fifty thousand white men, good and true, a majority of the State, said he could not. Yet you call upon me to vote for an instrument that endows him with such privileges in Arkansas!

Let me turn to my apostolic friends, who propose to live under the Bible—to take the Bible as the man of their counsel. Let me ask them, *in all good conscience, if they can do this thing.* I imagine they would shirk it, unless they are the sort of people who do not know the Bible, nor its teachings.——

Mr. BROOKS. Does the gentleman refer to that part of the Bible which says, "An eye for an eye, and a tooth for a tooth?" [Laughter.]

Mr. MOORE. Yes, sir; I mean to refer to that part of the Bible—"An eye for an eye, and a tooth for a tooth!" and I mean to refer, too, to that other part of the Bible which forbids a lie. That is another part of the Bible, to which I desire to refer. I would refer to the whole Bible—I like it, from the first of Genesis to the last of Revelation. I do not know whether the gentleman can stand it all, or not—I don't know whether or not it would suit him. I desire to take the whole; if *he* wants a different Bible from the one made by God, through inspired men, I cannot go with that gentleman.

But, sir, we are told that we ought to adopt this Constitution, because it offers equal rights to all parties. Sir, you know that is not so. You know it, sir! I say that you, as President of this Convention, know that is a libel upon its face. I say it is a libel, too, upon common sense. Take the latter part of the Constitution—take the apportionment which it fixes; and is it not an insult to Heaven? Is it not an insult to common sense? Is it not an insult to every member of this Convention? Do not the gentlemen who introduced that Article here, feel ashamed that they should attempt to force upon the people of this State a measure of that kind? I tell them now, and I tell them in bold and emphatic language, that Arkansas will not swallow any such instrument as that. Arkansas is too free, too intelligent, and,—as that Committee on Finance said, a few days ago,—has "stolen" too much, ever to suffer such a thing to go down its throat. Nor can these recent importations compel the State to swallow it. Look at my own little district—Ashley, Chicot, Drew, and Desha! Why is such an apportionment as that made? Great Heaven! look down upon this work! The object of this apportionment is, that little Ashley County shall be forced to hover under the black wing of the negro majority in the counties with which she is joined. Sir, it is a burning shame, an outrage upon honesty; and no honest man would offer such a proposition in a deliberative body. This is pretty bold language. It comes from me—I am responsible for it, here or elsewhere. I say it is an insult to honesty; I say it is an insult to my rights; I say it is an insult to the people I have the honor to represent, who are a bold and chivalric people. Tell me that we are to have, from that district, six Representatives and two Senators! Why, I know the gentleman blushed, if anything like shame could have been written upon him; and if the mark of Cain had not been written upon their brow, others, of his associates, would have blushed. I feel ashamed—I feel ashamed! that men with so little moral integrity could ever have stepped upon the soil of my adopted State. I love Arkansas, I love the people here; but I do not love a want of moral integrity. I do not love that anywhere, or in any people.

Sir, the people of my County, and the people of Arkansas, will say that this Convention was conceived in sin and brought forth in iniquity; they will say that hell never produced anything like it; that it is a shame to the moral sense and moral decency of a respectable community; and yet gentlemen will have the boldness to rise here and move the previous question upon a motion that the whole instrument here presented to us be adopted, without division, at once! Great God! Do you not feel ashamed, Mr. President?—does not that whole concern, over there, feel ashamed? [Laughter.] Is it not a disgrace to the very bystanders, here, that such a thing should be sent out to honorable old Arkansas, that has for thirty-two years been living, moving, and having her being, in the great family of States, and that is now called upon to adopt, as her organic law, such an instrument as this?

I propose, sir, to refer, in a very slight way, to the principles taught by Washington, Madison, Jefferson, the great Adams, and all the other illustrious exponents of the fundamental doctrines of the Constitution of the United States. I wish to refer, more especially, to their views in reference to the representative system in a republican government. Look at the instrument presented to us this evening, and say how the system of representation is there arranged. See whether it is a representative system. I cannot tell whether, under the provisions of that instrument, I have or have not any rights. I think a man who votes for it, ought to be ashamed that he ever was in Arkansas. Ask yourselves, whether the people have any rights, whether any gentleman upon this floor has any essential rights, under that representative system. There is no gentleman here, of common honesty—that is the word I desire to use, to use in its broadest sense, and desire that it should be understood in its broadest sense,—that can approve of such a thing. I know that there are, here, venerable men of Arkansas,—of Southern Arkansas,—men whom I like, men of piety and devotion, men who revere the teachings of the Bible—under whose wings I am glad to be gathered. They cannot swallow any such thing as this; for an acquiescence in it, as they well know, must deprive them of everything like common honesty. Sir, I am ashamed, to-night, that I ever occupied a position in this mongrel Convention. I wish I had never occupied my seat—that you had shoved me out of the seat. For I am degraded, before the eyes of the people,—unless, indeed, I enter, upon the records of this Convention, my solemn protest against its proceedings; and that I will do.

Another question arises, after this,——

Mr. HODGES, of Pulaski. I would ask the gentleman, what was his account for mileage?

Mr. MOORE [*to Mr.* HODGES.] Take your seat. Have you any more prisoners to kill? If you have no more negroes to kill, let me go on, now. [Laughter.]

The next point that strikes my mind, in the discussion of this question, is that of the test-oaths required.—If, however, the gentleman from Pulaski [Mr. HODGES] has any other prisoner of the Penitentiary to kill, or any other matter to attend to, if he will let me know it I will suspend my remarks.

Mr. HINDS. I would like to know how many miles it is from this City to Ashley County.

Mr. MOORE [*to Mr.* HINDS.] Nine thousand miles, if you please. It is a great many more miles there than you will ever get votes there.

Mr. President, whenever that party gets through with his remarks, I will proceed.

The PRESIDENT. Let the gentleman proceed.

Mr. MOORE. I pay no regard to remarks of that kind. If there is any more yelping to be done, I trust it will be done at once, and that I may then be permitted to go on.——

Now as to the question of test-oaths. Sir, what is required, in order to disfranchise a man, in the United States of America? Can you disfranchise a citizen, under the Constitution of the United States—that law under which we live, which was penned by the greatest intellects that America has ever produced—under that Constitution can you disfranchise him otherwise than by trying him, and convicting him of crime? If you cannot, then I must say that the test-oath required of voters, in Arkansas, is in violation of the Constitution of the United States, and of the oath we took when we entered upon our duties as delegates in this body. Is it, then, expected that we are to break our oaths, by fixing a test-oath in violation of the great principles of republican government? I say, sir, that the attempt to require such an oath, is an unconstitutional proceeding, and one that ought to raise a blush upon the face of any man who should propose it here.

This is not all. Let us go on a little further, and inquire how men are to be enfranchised, in Arkansas, and in the United States. What is required, in order to make a man a citizen of the United States? If a foreigner, he has to become naturalized, before he has the full privileges of citizenship. I would ask any gentleman whether, if, during the days of slavery, I had emancipated my negro, that would have constituted him a citizen? I ask the question of every candid man of common sense. I have had a few negroes, in my life, and lost them honestly, by the war, and gave them up willingly. I ask whether, if I had freed them before the war, that act of emancipation would have made them citizens, in any of the United States? Now, if that act would not have made them citizens, would a bare proclamation of the President of the United States, freeing them, as a war measure, make them citizens of the United States? I appeal to every sane man to take that question to himself, and ask himself whether a bare proclamation of emancipation made negroes citizens. If it did, then such a proclamation would make an Indian a citizen. Under the instrument presented to us to-night, if every Indian in the Choctaw Nation were to come to Arkansas, he would be allowed to vote —if every Indian in the Cherokee Nation were to come, he could vote—if the Snakes, and all the other Indians that ever lived, were to come here, they would all be entitled to vote. You propose to enfranchise the last one of them. If all Africa were to move into Arkansas, under that instrument they would be enfranchised to-morrow! Are you willing to do that? That instrument surrenders manhood suffrage. It takes the right from us, and confers it upon an ignorant class, not citizens of the United States, under the Constitution. I ask every reflecting man whether that class are citizens of the United States. Sir, if they were citizens, they would have been entitled to vote; and they had no such right. Then, too, if they are citizens, why, in the name of reason and common sense, why, in the name of all that is just and right, should Congress ask us to adopt the proposed Fourteenth Amendment to the Constitution of the United States? That, of itself, carries with it the fact that the Congress of the United States, the people of the United States, do not regard them as citizens, or we should never be asked to assent to the incorporation, in the Constitution, of an amendment the purpose of which is to declare them citizens. It would be preposterous, in a body of as sensible men as the Congress of the United States pretend to be, and ought to be, to ask the people to adopt an amendment declaring the citizenship of a class already citizens. And yet, because we are a downtrodden and oppressed people, we are asked to make them citizens. Sir, there is but one object in making them citizens, and giving them the right of suffrage, and that is, to propagate, and maintain in power, the Radical Party. That party know, to-day, that their death-knell is sounded, unless they can succeed in making the poor, deluded African a voter. They know it. It is as patent to them as that the noonday sun will shine when this snow-storm shall pass off. They know they have held their last office in Arkansas, unless they can succeed in this attempt to enfranchise the negro, get him under their thumb, and make him an instrument of power. Has it not been said, in my hearing,—"We don't care a curse for the nigger, unless we can use him for political purposes, and for the benefit of the Radical Party!" And so the poor, deluded African is permitted to be estranged from his old friends, to follow after new gods, and uncertain ones, to hold to new and uncertain friends, who only want to use him for the attainment of party ends, and as instruments of political power. They care no more for him than I do for the man in the moon, no more than they do for the Devil, except as they can use him for their own advantage. Is there one man in this body, belonging to the extreme wing of this concern, who will come up to me, and say he believes the negroes to be capable of exercising, intelligently, the right of suffrage? There are, indeed, some of their fanatical preachers and others, who have imbibed the idea that black is white and white is black; but when you come to the honest members of the party, the last one of them will acknowledge that it is only for political purposes that they want the negro enfranchised. I have lived in the South all my life; I was suckled by a negro woman, and her milk was as good as that of anybody else. But I do not believe that her offspring were competent to take upon themselves the government of this country.

Nor do we stop there. In enfranchising the negro, you make him your political and social equal. It is to invite him into your house, and make him the companion of your social hours. In my opinion, if he should be enfranchised, he would be taken into the parlors of all that vote for him—to marry their daughters, and, if necessary, hug their wives! If you enfranchise him, give him all those rights. I stand here, to-night, willing, cheerfully willing, to give him all his rights before the law, willing that he should enjoy liberty of person and property; but when it comes to doing violence to my obligations as a member of this body, I must stop. I did not come here to swear a lie. And were I to assist in proposing, to the people of Arkansas, a Constitution that should enfranchise the African,—or the emancipated descendant of Africans, in these Southern States, if you will have it that way,—I would be doing violence to the obligation that I took; and every other honest man would be doing violence to that obligation, by taking such a course. We swore that we would faithfully support the Constitution of the United States, and would impartially discharge the duties incumbent upon us as delegates to the Constitutional Convention of Arkansas, according to the best of our ability. If we vote for the enfranchisement of the negro, we violate that sacred oath, for we violate the Constitution of the United States. And if the enfranchised negro of Arkansas should, to-day, go to Illinois,—possessing, here, all the rights and blessings that I possess, having the privilege of walking up to the polls and voting,—he could, according to the laws of Illinois, be expelled from that State. And I have before me, sir, the decision to sustain my statement. Sir, I do not wish, by such action as is here proposed, to bring this country into confusion, or to precipitate another rebellion. I have seen as much war and fighting as I wish to see. I have seen enough! I have stood by and witnessed scenes that would make the blood curdle in the veins of any man possessed of any feeling. I want to see no more such. Do not rob the people of their inestimable rights. Do not strip them of those rights which they have enjoyed for the last ninety years. Let us enjoy them as was intended by the great framers of that instrument, now daily insulted throughout the country. Let us live up to that instrument, not oppose it—it is one which, faithfully observed, should make us, as a people, respected and beloved of all the world.

I have been sitting, now, in this Convention, for several days; and, as I have reflected upon what I have seen, I have thought of what I have read in the Bible,—that when the great Son of Man was placed upon the cross, the sun in Heaven refused to shine, because of the iniquities of the people. Sir, the sun of heaven has now refused, for several days, to shine upon this assembly. I can hardly but believe that it is the iniquities of this body that have thus dimmed the face of nature itself. We are ruining the people; we are robbing them of their rights. I say, take that instrument back, and make it what it should be. We do not propose to vote upon it; but let them take it back, and make it what it should be, so that the people shall not be ashamed of it, and that God in heaven may not frown in wrath at so shameful an enactment. You, gentlemen, the last one of you, ought to be ashamed to let such an instrument go before the people of Arkansas. It is an insult to the intelligence of Arkansas; it is an insult to their manhood; it is an insult to every decent gentleman in the State.

Mr. HODGES, of Pulaski. My speeches are always short; and I feel an inclination to answer the gentleman, so far as regards his exceedingly great shame. The reason why I asked him the question which I just now propounded, was, that I happened to see, upon the Secretary's table, a little note, which I will read.

[Mr. HODGES here read a certificate, on honor, of Mr. MOORE, calling for mileage for about nine hundred miles' travel.]

Mr. MOORE. That is just eight hundred and eighty-eight miles less than to the Penitentiary.

Mr. HODGES. I understand the distance, really, to be, instead of some four hundred and fifty miles, one hundred and thirty or one hundred and forty.

Mr. MOORE. That is a personal matter, and I wish to reply to it.

Mr. HODGES. I will give the gentleman permission.

Mr. MOORE. I desire, in replying, to show the number of prisoners the gentleman has killed.

Mr. HODGES. An official report of a Committee, upon that subject, has been presented, and lies upon the table.

The Senator from the gentleman's County, last winter, drew mileage for two hundred and seventy miles. Enough of this. I desire to say a word or two in reference to the apportionment fixed by the Constitution. It is similar to that of various other States, among which I will mention Illinois and Minnesota; and, with opportunity of reference, I could mention several others. I think it is, also, the practice of the State of Georgia. It may, or it may not, be a "carpet-sack" arrangement.

Upon the subject of the franchise, I will merely say a word or two in explanation. Section Three of the Article on that subject, to which the gentleman objects, provides, first, for disfranchising persons who, during the war, took the oath of allegiance, or gave bonds for their loyalty, and good behavior, and who afterwards violated their oaths, or subjected themselves to forfeiture of their bonds. The next subdivision disfranchises those who were already disfranchised in the States from which they came. The next subdivision disfranchises those persons who were guilty of acts in violation of the rules of civilized warfare. The subdivision which follows disfranchises those who are disfranchised, or prevented from holding office, by the Fourteenth Article of Amendment to the Constitution, and those, also, disfranchised by the Registration Law. A provision is made, in the Constitution, enfranchising all who have faithfully supported the plan of reconstruction put forth by Congress, and voted for the same; and under that provision, men are enfranchised who were not permitted, during the last election, to register—this on the ground of their repentance, and return to loyalty. They are enfranchised because they have ceased fighting the Government, hiring men to kill Union officers, and all that sort of thing.

Mr. CYPERT [*in his seat.*] If they were ever guilty of any crime which would justly entitle them to disfranchisement, they certainly ought not now to be enfranchised.

Mr. HODGES. Those who have ceased firing upon voters, ceased intimidating voters, ceased threatening Registrars, and all that, and have returned to their loyalty, honestly and faithfully, are enfranchised, by the provisions of the Constitution. Another provision is, that the General Assembly may, by a two-thirds vote, enfranchise any one who, from this time forward, shall commence to be loyal, and shall cease to contend against the General Government. The Constitution then goes on to provide that such as shall persist in opposing reconstruction, and the Government, shall never be enfranchised. That means, that, after five years of rebellion, and two or three years of fight in time of peace, the day of probation is at an end, and that if you continue shooting Union officers, if you continue threatening voters, if you continue threatening Registrars and Judges of Election, if you continue shooting men on account of their principles, you shall *never* be enfranchised. I have now given you, Mr. President, the spirit of the disfranchising clauses.

RECESS.

Mr. KYLE. I move that the Convention now take a recess until tomorrow morning at ten o'clock.

Mr. MOORE. I hope the gentleman will withdraw his motion for just a moment, in order to allow me to make an explanation, as the gentleman from Pulaski [Mr. HODGES] has said several things personal to myself, and I wish to answer them.

Mr. GANTT. I move to lay upon the table the motion to adjourn.

Mr. KYLE. I withdraw my motion, for the present, to enable the gentleman [Mr. MOORE] to make a personal explanation.

THE CONSTITUTION—RESUMED.

Mr. MOORE. I hoped I would not have been driven to the necessity of referring to this matter; and I hoped no gentleman who did not have a better record than the gentleman from Pulaski [Mr. HODGES] would have risen here to impugn the motives of any honest man in this house. And I hope, moreover, that he will not stultify himself any more, by making any declaration, unless he is able to prove it. He says I have certified upon honor, that the most practicable route from this city to my town——

Mr. HODGES, of Pulaski. I rise to an explanation. I have not said any such thing. I have read the gentleman's own handwriting.

Mr. MOORE. It is not any such thing. I know what I am saying. The gentleman represents me as stating, upon honor, that the distance from this place to Hamburg is four hundred and fifty miles, and that, counting the distance both ways, the sum is nine hundred miles. If called upon for proof, I will introduce that of the gentleman from Chicot [Mr. MASON], to say whether I have made any misrepresentation; and then the gentleman from Pulaski will be ashamed of himself, if he has any shame,—which I think, from the way in which he has acted for the last two months, is exceedingly doubtful.

RECESS—AGAIN.

The PRESIDENT. If there is no objection, the motion of the gentleman from Dallas [Mr. KYLE] may now be entertained.

Mr. GANTT. There *is* objection. If we are to go through this thing, in the way proposed, let it be done at once.

Mr. DUVALL [*in his seat.*] Let us have it out in full.

Mr. MONTGOMERY. I move to amend, by substituting, for ten o'clock, half-past nine o'clock. [Cries of "No." "Let us go on."]

Mr. GANTT. Let us go through.

The PRESIDENT. If gentlemen insist upon the objection, the motion for a recess cannot be entertained.

Several MEMBERS favoring and opposing, respectively, the proposition for a recess,

Mr. HODGES, of Pulaski, said: If the call of the roll has begun, any motion is evidently out of order.

The PRESIDENT stated that no such motion could be entertained if any gentleman should object.

Mr. GANTT. I do object, very seriously, even if we do not get through until daylight.

Mr. MOORE. I object, also. We can sit here as long as anybody.

Mr. McCOWN. As I have before supported the motion, thinking it in order, I advocate it again, for the same reason,—for myself and for the rest of us.

Mr. GANTT. I rise to a point of order. There is no motion before the Convention.

Mr. McCOWN. There is a motion before the Convention.

The PRESIDENT. The motion is withdrawn.

Mr. GANTT. I submit that, even were a motion to adjourn before the Convention, such a motion is not debatable.

Mr. McCOWN. I move that we take a recess.

Mr. GANTT. The motion is not in order, in any way.

A MEMBER [*to Mr.* McCOWN.] If you want to make a speech, go ahead.

Mr. McCOWN. Well, I do.

Mr. GANTT. I object.

The PRESIDENT. The Chair is of opinion that as two names have been called upon the roll, not even a recess can be taken, unless by unanimous consent.

Mr. McCOWN. I appeal from the decision of the Chair. The utmost latitude has been allowed, here; and if we have any right to express an opinion, or to inform ourselves, we ought to be allowed it.

The PRESIDENT said: The Chair would be inclined to favor a recess; but the rule of parliamentary law does not permit the motion to be entertained.

Mr. McCOWN not insisting upon his appeal,

THE CONSTITUTION—AGAIN.

Mr. GANTT said: I make no objection to the gentleman [Mr. McCown] ventilating his opinions upon the Constitution.

Mr. McCOWN. I want to have an opportunity to inform myself upon the subject.

Mr. GANTT [*to Mr.* McCown.] You have been in the caucus that matured it; and you ought to know it.

Mr. BRADLEY. I hope gentlemen will all be patient, while the Convention is in labor, and that the pains will not cease until that thing is born.

Mr. HINKLE. I do not present myself for the purpose of making a regular set speech; for I am one of those "old Arkansans," and, of course, you couldn't expect one of them to make a regular set speech. I was in hopes that the gentlemen who have occupied the time of the Convention, in debate, for the last three or four weeks, would have sat still, this evening, and allowed the few old Arkansans here to have had a word or two to say. The course that has been taken, here, has been frittering away the time, and the "dear people's" money, and to no advantage. [A pause.]

MEMBERS [*in their seats.*] Go on.

Mr. HINKLE. Whenever Mr. President gets done caucusing, I will. [Laughter.]

The PRESIDENT. Proceed with your remarks, Sir.

Mr. HINKLE. As I have said, you couldn't expect an Arkansan to make a set speech; but there is one thing that I assure you of,—whenever I get my glasses on, I can see just as far into a millstone as the man that picks the eye. [Laughter.] My constituents, of Conway County, elected me to defend their rights in this Convention. They expected me to have some hand in the framing of this Constitution. How much have I had to do in it? Who, sir, have been put on all the Committees? New-comers. It was due to the old Arkansans. It was due to them. Have any of them—with small exception—had any hand in the formation of this Constitution? We who have broken the cane in Arkansas, know what suits the people. We know exactly.

I can tell you more than that. I am an old practitioner of medicine. I have been at the birth of many a child; and I never knew force-work to do any good, yet; it is always attended with danger, and has never failed, in any instance in my experience, to do mischief. [Laughter and applause.] Assist nature, and you will get along well, and procure an easy delivery and a happy and quick recovery.

I tell you, sir, in all candor, that with the weight that is hung to that Constitution, you never can carry it through. *I know it;* and you will find it out. You know, very well, the objections I have to it. I have not kept them a secret from you. I could not do it. I was promised that it should be made to appear all right. But now that it has come to light, does it appear as I wanted it? No, it does not; and it lacks a good deal of it. In the first place, I want to know why these five Judges of the Supreme Court are appointed, for this little State of Arkansas. [Applause.] Three have always attended to the business, and are amply able to do it now. *I* can tell you the reason—as big a fool as I am;—there is some one who wants a position, and there is no room for him! [Much laughter and applause.] That is one of the features of this Constitution, to which I entertain a great objection. I warrant that but for the object of making room for two more office-holders, the three Judges would have satisfied you!

The next point to which I object, is, prohibiting the Governor, the Lieutenant-Governor, and all the officers of the Executive Department, from ever holding any other office until the term for which they were elected shall have expired. No difference how much the people want them, or how much the people call on them, they cannot take the new position. Even if they resign, they cannot take another office. What is the reason for this, sir? I can tell you, very well—as big a fool as I am;—I see into the trick, in a minute! [Laughter and applause.] There is a certain man, up North, that might be in the way of a certain other man's getting into the United States Senate. [Laughter.] That is the reason for this clause of the proposed organic law of Arkansas. And that clause is another of those to which I object, and seriously, too.

Another objection which I find, is to the six years' term for the Circuit Judges. Now, if the "old Arkansans" had set to frame this Constitution, I could have selected three common old ordinary, illiterate Arkansans, who in one week could have arranged that matter quite as well as all the wisdom that has been here. I think the four years' term plenty long enough for a Circuit Judge. If he does not perform the duties of his position well, we want to have some opportunity of getting him removed; if he does, we are willing to re-elect him, and keep him there as long as he does well.

My next objection is to the provision on the subject of the poll-tax. You prohibit us, nearly, from raising any revenue. Many have nothing upon which to pay taxes, unless it be a poll-tax; and it may be, probably, that some of those who are running for high position, pay no other,—if they pay that. We must have a revenue. Government has to be supported; and under this system of taxation, those who have a little will soon have nothing to exempt. You exempt their homesteads from taxation. Why, sir, exempt from execution what sum you will, and under this system of taxation the property of those who own but a moderate amount, will soon be so eaten up by taxes that the exemption will be futile.

The great objection that I have to the apportionment, is this. The citizens of the State have not been consulted on it. The citizens are *here*, through their representatives. Men who know the condition of the country have not been consulted. Certain men have made this apportionment to their notions, without consulting those sent here to represent the interests of the people. I am inclined to think that I represent as loyal a county as there is in the State. I can vouch for Conway County. The people of that County look to me for protection; and if I cannot give them any privileges, how can *I* protect them? They will protect *themselves*, when they come to the ballot-box, just as certain as the day comes round.

Mr. DUVALL. I do not propose to detain this Convention long. Nor had I intended to say anything. But, sir, I have serious objections to this Constitution. If I know myself, I desire the interest of my country. I am satisfied that the Constitution here proposed will never lead to the good of the people of Arkansas. I feel somewhat like the gentleman on the opposite side of the house. I claim to have some few rights, myself. I am an American-born citizen. I have been loyal to my country. I have supported her in her trials. But we have presented to us, here, to-night, a Constitution, under which, I say conscientiously, as a man, I cannot exercise the right of an American citizen. I am unwilling, and I believe every honest white man in the State of Arkansas is unwilling, to swear universal equality, political and social, as that oath will compel us to do as a condition precedent to registration and suffrage. Is this justice, is this honorable,—that any body of men, for political purposes, should attempt to force upon men whose loyalty is undoubted, an oath which they cannot conscientiously take, and at the same time to enfranchise a class or race of people, who are not capable of exercising the elective franchise? They are not capable of making their own contracts. You have a Bureau established, here, and all over the country, to make their contracts and effect their settlements. Is any race of people capable of exercising the elective franchise, that is not capable of making its contracts? It certainly is not; and, I repeat what I have said before, they are not citizens of the United States. They claim the elective franchise as their right. They talk of their bones bleaching upon the field! If they were citizens, I ask them, why did not the Government draft them into the service, as it did with white men? They were not recognized as citizens.

Mr. GREY, of Phillips. They did draft us, in the Northern States.

Mr. DUVALL [*to Mr.* GREY.] I would like you to show me the proof. I was in the service; and I do not suppose any of you were.

A [colored] MEMBER. I served for three years.

Mr. DUVALL. How many more of you?

Mr. JOHNSON. I am an old soldier; and I expect to stick to it.

Mr. DUVALL. If you were in the Army, you were not in the same sort of troops with whom I served, and were not placed with them on duty.

Mr. JOHNSON. I have soldiered among them, and slept among them, and fought among them.

Mr. DUVALL. I know how it was where I served.

Mr. MONTGOMERY. I desire to state to the gentleman——

Mr. DUVALL. If the gentleman desires to speak, I will yield the floor.

Mr. MONTGOMERY. I was myself a soldier; and I have made a hundred details of negro troops, for provost duty.

Mr. DUVALL. I know they were on provost duty—and how the thing ran.

Sir, I want these men to have protection. They are not responsible for their position; and I know I am honest when I ask that protection for them. I feel a sympathy for the race. But I have seen manifested here, to-night, upon this floor, coming from that side of the house, the very spirit that will wage a war of extermination between the two races. Was there a man so blind that could not see the vindictive spirit that boiled in the heart of the gentleman [Mr. MURPHY], when he stood upon the floor, here, before? None could fail to see it. Sirs, when the white race is to be disfranchised, and put beneath the other, how will the plan work? It is for the interest of the black race that I say, they should be protected, but not put above my own.

This Constitution, sir, proposes to tax me and my children to educate that race, while but few of them are to pay any taxes. I cannot support such a provision.——

Mr. JOHNSON. I rise to a point of order.

Mr. DUVALL [*to Mr.* JOHNSON.] I yield the floor to you, if you want to talk awhile.

Mr. JOHNSON. You forget how long we worked for you, in a state of slavery, to give you the means by which you have been educated; and now we want to come upon a level with you.

[Mr. DUVALL having taken his seat,]

The PRESIDENT asked: Does the gentleman from Lawrence [Mr. DUVALL] wish to proceed with his speech?

Mr. DUVALL. No, sir; I don't propose to have anything more to say in this body.

The PRESIDENT. Do any more gentlemen wish to speak?

Mr. HINDS. The Constitution submitted to the Convention by the Committee, is one which should claim the support of every person who desires the preservation, the advancement, and the renown of the State. It is a Constitution which guarantees to all the citizens of this State equal rights. It is a Constitution that secures no rights, privileges, or immunities, to any one individual, that are not equally secured to all persons within the State. It seems as though no gentleman who desires that security and protection which can but result from a restoration of the State, and establishment of a loyal government, should object to the adoption of this instrument. The Constitution under which the people of this State have lived for the last thirty years, and under which the gentleman upon the left [Mr. MOORE] seems willing still to live, does not guarantee those equal rights that are secured by the provisions of this Constitution. For forty years Arkansas has been in the hands and under the control of a set of political vampires, who have robbed the people of this State of the munificent donations made the State, by the General Government, for school purposes. As a result there is scarcely a public-school-house within the broad limits of the State. With all the means at their command, no provision has ever been made for the education of the masses.

Mr. DUVALL. I call the gentleman to order. I wish him to confine himself to the discussion of this Constitution, and not go back and rake up the ashes of the history of the State for thirty years past.

Mr. HINDS. I desire, in calling attention to the past history of Arkansas, to show that its political and financial managers have been enabled under the old Constitution to reduce the State well-nigh to a condition of bankruptcy and ruin. I wish to show that should we adopt this Constitution, which not only enumerates great principles, and guards and restricts those clothed with power thereunder, but guarantees to every person within the limits of the State the equal protection of the law, we shall be doing our duty to the people whom we represent, and shall be consulting their best interest.

The gentleman objects mainly to the provision which disfranchises certain classes of the citizens of the State. Sir, no man is disfranchised by the provisions of this Constitution, unless he disfranchised himself. The Constitution only provides thus: that those who have sought to destroy the Government, and still seek to destroy it, and stab at its vitals, shall be disfranchised. It is not safe to allow this State to be ruled by men who have, by their past action and by their present course, evinced themselves the enemies of the Government. It is not safe for the people; it is not safe for the Republic. This Constitution provides that the ballot—a mighty power in the hands of the people—shall be wielded for the protection of the loyal people of this State. Under this Constitution the ballot, a weapon firmer set and better than the bayonet, a weapon that

> "Comes down as still
> As snow-flakes fall upon the sod,
> But executes a freeman's will,
> As lightning does the will of God,"

is placed in the hands of the——

Mr. MOORE [*in his seat.*] Colored men.

Mr. HINDS.—Of the *loyal*, *honest* men of the State of Arkansas—those who seek not to destroy the State by treason, but seek to preserve rather than destroy it.

We are told that the negro would be protected in his rights, even were he not allowed the ballot. Yes, indeed! but it would be such protection as is given to the lamb when in the jaws of the wolf! The protection which he gets will be that which *the ballot* gives him. The rich man, the man of influence in society, can well get along without the power which the ballot gives. But, sir, it is the only protection of the weak; and it should be given to him as an instrument for his self-protection. It is indispensable, to the safety of the rights and interests of these people, formerly enslaved, but now made free, that they should be clothed with this power.

Mr. MOORE. I desire to ask the gentleman a question. I do not desire to interrupt any gentleman; but I was myself several times interrupted in the remarks that I made, and I hope the gentleman will not think hard if I interpose a question. I wish to ask him if he does not think the ballot in the hands of the colored people is his only means of riding into the United States Congress?

Mr. HINDS. No, sir; not the only means. We expect the loyal white men of the State to come up to our support.

Mr. DUVALL [*in his seat.*] There will not many of them do it.

Mr. HINDS. We expect those men who have fought by our side,—who have come up to our help before to-day,—to stand by us now as heretofore.

Mr. MOORE. There is another question which I want to ask the gentleman—I wish to ask him if *he* has ever done any fighting?

Mr. HINDS. Yes, sir. I will give the gentleman an answer.

Mr. MOORE. Got any scars?

Mr. COATES [*in his seat.*] He probably paid some one else to do it, if *he* didn't.

Mr. JOHNSON [*in his seat.*] And we'll do it for him again.

Mr. HINDS. Yes, sir; we served our time out in the United States Army, as a soldier, were honorably mustered out, and have our discharge, dated 1864. [Applause.]

Sir, I say these men who fought by our side, and came up to the support of our Government in her days of peril, are asking nothing more than their right; and we expect that they will not only support us, but they will support the Government now as strongly as they did when these men sought to overthrow it by armed force.

The gentleman from Ashley [Mr. MOORE] says that the country would have been reconstructed long ago, had it not been thought that the colored men could wield the ballot, and thereby contribute to throw the political control of this country into the hands of the Republicans. Yes, indeed; it would have been a fine reconstruction! The spirit that was alive in this State the last winter, when the Legislature met in these halls, would have been the spirit that would have animated the people of this State, in the matter of reconstruction—such reconstruction as I think no loyal, honest man in the State could desire.

The gentleman says that to give the ballot to the negro will be the engendering of strife. Now, sir, during the history of this war, and since the war, we think no event has transpired that could warrant such an assertion. We think it necessary for the protection of this Government—not only of the colored man but of the Government,—that the colored man should have the right of suffrage. Other nations, in other times, have found it dangerous to their peace and preservation to permit a large class of their people to be disfranchised, and denied a voice in the affairs of government. That formed one of the causes of revolution in the Old World. That marked the close of the last century, when revolution followed revolution, like the successive waves of the ocean, in France,—when violence and horror reigned triumphant on her vine-clad hills, when every home was made the home of wretchedness, and every heart the seat of woe—that was one of the main sources of the fearful disturbance of society and government. That to-day forms one of the reasons why England, in her capital, calls to her aid twenty thousand special police, for the protection of her citizens—it is because a large portion of her people are excluded from those rights which every people and all men should be allowed to exercise. Congress saw this—the statesmen of this country saw it, and saw the necessity of giving into the hands of these men, numbered by millions, the power to protect themselves and at the same time to protect the Government.

The gentleman asks,—will your old citizens allow "carpet-sack men" to ruin our young and noble State? Well, it would be a pity for carpet-sack men to come down here and ruin Arkansas! I do not think it would be possible for any community to have any worse rulers than we have had. The State of Arkansas was admitted into the Union in 1836. She is not to-day as far advanced, in civilization, in population, in wealth, in power, as territories which were admitted into the Union in 1849. And why is it? Why is it that there is universal bankruptcy and ruin prevailing in the State? Perhaps the gentleman can inform me. It is the consequence of the *policy* that has been pursued in this State. The soil is as rich, the rivers are as large, the mines are as productive, as those of any other State. The State has had an equal advantage, so far as donations of public lands are concerned, the Government has as bountifully provided for the setting apart of lands for school purposes, as in the case of other States; yet while, to-day, we find, in other States, fifty-two school-houses built to every one hundred square miles, in Arkansas there is scarcely a single house built specially for school purposes, within the State limits. Why is all this, I ask. It is because the men who have controlled her destinies ruined the State. One of the provisions of this new Constitution which is submitted by the Committee, is, that the Legislature shall provide, by setting apart a sufficient amount of the revenue of the State, for the education of the children of the State. Not black children—not white children—but *the children of this State* are to be provided for, so far as regards the attainment of an education. Gentlemen, surely, can hardly object to this new provision—and it certainly is new.

The gentleman from Ashley complains as to the apportionment. He is inclined to believe that Ashley should not be put alongside of Chicot, Desha, and Drew. We are inclined to believe that the apportionment is made in such a way as to give representation, in the next Legislature, of loyal men. Those are the men for whom we propose to legislate.

Mr. MOORE. I desire to ask the gentleman another question. I would like to ask him if by his system of apportionment he will not send a *dark cloud* over Ashley County.

Mr. HINDS. We think it would be impossible to send a darker cloud over the County of Ashley, than is over it at present.

Mr. MOORE [*in his seat.*] That merely shows that the gentleman has never been out of Pulaski County.

Mr. HINDS. I understand the County of Ashley to be in about the same condition with other counties in the State. I understand that she has not many school-houses, that ruin and bankruptcy is prevalent there; and we desire to improve the condition of that County, by providing a loyal government for her as well as for other counties of the State.

The gentleman says it is proposed to disfranchise the intelligence of the country. What shall we consider as the intelligence of the country? Is it not proper and right, in order to determine what intelligence there has been in the country, to ask what is the condition of the country? Is not that a very good criterion to go by? If the intelligence of the country has for the last thirty years had the control of Arkansas, for God's sake keep us from any more such intelligence! [Laughter and applause.] Let us have no more intelligence of that kind!

Mr. HINKLE. Let me explain one word, as respects my County [Conway.] I wish to let you know that there are but two men in Conway County that are bankrupt.

Mr. MOORE. And I desire to say that there are but four men in Ashley County that are bankrupt; and they are able to pay their debts, and are quite as good men as any others in the County.

Mr. HINDS. In Conway I understand that the people are thoroughly loyal; and that is probably the reason why they have no bankrupts there. [Laughter and applause.]

Mr. CYPERT. How is it with Pulaski? [Laughter.]

Mr. HINDS. Pulaski is in a bad fix and she knows how to get out of it. Four-fifths of the votes cast at the recent election were given for the Convention, and nearly a unanimous vote will be given for the ratification of the Constitution. The gentlemen say they are willing to give the negro his civil rights,—the right to testify, to sue, and to be sued. How long have they been in favor of extending to them these rights even? Is it not a somewhat new thing?—has it not occurred since the passage of the law giving them those rights by Act of Congress?

Mr. MOORE. That is a question addressed directly to me, I imagine.

Mr. HINDS. Yes, sir.

Mr. MOORE. Then I answer,—No, sir; the moment the negro was turned loose upon the country, I, and my people, were willing to give him all his rights. My people are as loyal, they are as honest, they have as many school-houses, as any people in Arkansas; and they do not expect any apostle from a distant land, like the gentleman upon the floor, to come around and enlighten them. If he thinks so, and shall come there and attempt to enlighten them, they will look upon him as the ancients did upon Judas Iscariot!

Mr. HINDS. The gentleman don't want his people to be enlightened more than at present?

Mr. MOORE. Not from you, sir.

Mr. HINDS. I was about to say, that they were in a pretty enlightened state, if they didn't wish any more knowledge.

As regards the rights of the colored man, of which I was speaking, I think the gentleman may be an exception—if his doctrine is as expressed—to most of the gentlemen with whom he associates; for I think it has been the disposition of gentlemen occupying the same side, on this question of reconstruction, with himself, to oppose the grant of *any* civil rights to the negro.

Mr. GANTT. I will interpose an objection, there, for myself at least. I was a member of the last General Assembly of the State of Arkansas. I made a canvass, involving that very question; and upon that question, mainly, in the canvass, I was elected. In the last General Assembly, I voted, and labored, for the passage of a law now upon the statute-book of Arkansas, which gives to the people of color all their rights before the law.

Mr. HINDS. Perhaps the gentleman, then, was one of those who, when the bill first came up, before that Legislature, for passage, voted with the majority. The gentleman will recollect that upon the first vote, it was defeated; and, if my recollection is correct, no reconsideration of that vote was had until after the Judge of the City Court had been arrested for violation of the provisions of the Civil Rights Law, in refusing the testimony of colored persons; and that the vote, which had stood, thirty-two in favor, and thirty-eight against the measure, until the occurrence of that event, was then reconsidered, and thereupon stood, thirty-eight in favor to thirty-two against.

Mr. GANTT. I do not remember how the vote stood. I can only speak of myself. I voted, persistently, from beginning to end, for the extension, to that class, of all their rights before the law. Prior to that time, when a large majority—almost the entire black population of the State—were slaves, I was disposed, and the law was disposed, to extend to those of them who were free, all their rights before the law. Prior to the time of which I speak, a black man who was a freeman was entitled to bring suits in the courts of the country. And when the mass of that class of inhabitants, who had previously been held as slaves, were emancipated, I was willing to extend to them all those rights; and there has never been a time, since the surrender, that I have been unwilling to give them those rights.

Mr. HINDS. Are those not the facts—that the Legislature persistently refused to pass the bill awarding the negro the right to testify in the courts, at all, until after the Judge of the City Court was arrested for violation of the Civil Rights Act; and that after that event reconsideration was had, and the bill finally passed, and became a law?

Mr. GANTT. I will answer the gentleman, in all candor. I do not remember the occurrence of the arrest; but I will state this: that, in the first instance, the bill was defeated in the Legislature; and that it afterwards passed. The state of the vote, upon either occasion, I am not now able to give; nor do I remember that the fact of the occurrence of the arrest, for any reason, at all controlled the action of the Legislature.

Mr. HINDS. The gentleman can perhaps answer the question why it is that those opposing reconstruction, to-day, are opposed to giving the colored man the right to sit upon juries. Gentlemen say they are in favor of giving him civil rights. I would ask the gentleman if *he* is in favor of giving the colored man the right to sit upon juries.

Mr. GANTT. If the gentleman desires my answer, I will give it. I am *not* in favor of putting the colored man in the jury-box; and for this reason: that where you will find one of intelligence qualifying him to pass in judgment upon the questions involved in a jury trial, you will find a thousand who are not.

Mr. HINDS. I thought that some, at least, objected to giving the colored people their civil rights!

Mr. CYPERT. Does the gentleman regard it as a *right*, to sit upon a jury?

Mr. HINDS. Yes, I do.

Mr. CYPERT. Has it not always been imposed as a *duty*, or a *burden*, to do military duty or sit upon a jury? I ask the gentleman if to *seek* to be placed on a jury would not disqualify a juryman for his position. It is a duty, not a right.

Mr. HINDS. That might be, so far as a special jury, for the trial of a particular case, is concerned. It probably is. But so far as the great right of being a juryman is concerned, we say, no class should be deprived of its exercise who have not forfeited it for crimes committed.

Mr. MOORE. I ask the gentleman if he regards it as the right of every man to sit upon a jury.

Mr. HINDS. Yes, sir—every honest loyal man.

Mr. BRADLEY. I think the debate is proceeding too slowly. I hope the gentleman will be allowed to proceed without interruption.

Mr. HINDS. If the gentleman from Bradley [Mr. BRADLEY] does not wish me to be interrupted, I hope he will persuade his friends to desist from interruption.

Mr. BRADLEY. I will have to hasten the birth, directly, if——

Mr. GANTT. I hope the gentleman [Mr. HINDS] does not apply his remarks to me.

Mr. HINDS. No, sir.

Mr. MOORE [*in his seat.*] Nor to me. [Laughter.]

Mr. HINDS. So far as civil rights are concerned, I believe every Republican is in favor of giving the colored man the right, not only to vote, but to sit on a jury, and every other right that man claims to exercise. I say that that man who is excluded from the right of sitting upon a jury, and of giving evidence in court, is not allowed those rights which should be given to every citizen in the State, not prohibited, in consequence of crime, from their exercise. The power that is given by the ballot, will enable him to protect himself—he will need no other protection. If the judge who sits upon the bench does not deal justly by him, then, if it be within his power to effect, by due course of the ballot, the removal of that judge, he is secured in his rights; if not, then I say he is not in possession of the rights that every citizen should enjoy.

The Constitution which has been submitted, is a *live* Constitution,——

The PRESIDENT here interrupted the speaker, to say, in substance, that the short-hand Reporter of the Convention being without assistance, and the debate having now, in addition to the session of the morning, continued, without intermission, through the evening, till past midnight, the physical endurance of the Reporter must soon be exhausted, unless a short recess should be taken. He therefore desired merely to notify gentlemen who might wish to speak, that, unless a recess should be had, their remarks might not be fully reported.

Mr. HINDS. I was about to say, that the Constitution which has been submitted, is a live Constitution. It is one which provides for the rights of every citizen within the geographical limits of Arkansas; and I desire to see it adopted, because it does insure and guarantee the rights of all the people of this State.

Mr. BRADLEY. I would like to make a few remarks. I do not wish to impose upon the Reporter. I wish to speak to this question, and speak directly to it; and if the Reporter has physical strength to hold out for a short time, I will proceed.

The PRESIDENT. The Chair will state, on behalf of the Reporter, that it will probably be impossible for him to proceed with his duties much longer, unless a brief recess shall be had.

RECESS—AGAIN.

Mr. BROOKS. I suppose the gentleman [Mr. BRADLEY] desires the same privilege which others have had. Perhaps, when he enters upon his subject, and becomes interested and animated, as he, and, doubtless, others, will be, he will consume more time than he now expects. There may be other gentlemen who desire to speak. I would say, that I think it might be not amiss, and, perhaps, to the interest of all concerned, for us to take a recess, and finish up this matter to-morrow morning.

Mr. BRADLEY. I am perfectly willing.

Mr. BROOKS. I think it is desirable, since this is a matter in which we are all interested—the great crisis of the Convention, of the State, and of the country. I do not think we ought to *drive* it through. It is now after midnight; the Reporter is exhausted; the gentleman from Bradley [Mr. BRADLEY], and other gentlemen, desire their remarks reported.

Mr. GANTT. I understand, from the Secretary, that if the Reporter could have a little rest, of ten, or fifteen, or twenty minutes, he could go on with the reports. For one, I should object to an *adjournment;* and I understand, from the decision of the Chair, that that single objection will continue the session. I want this matter brought to a head to-night.

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* The twenty-seventh day's session of the Convention having here extended beyond midnight, the date at head of the page is changed accordingly.

The PRESIDENT. These remarks are out of order.

Mr. MOORE suggested a recess of ten minutes.

Mr. BRADLEY said that ten minutes' recess, with opportunities of fresh air and refreshment for the Reporter, would be desirable in every respect.

The PRESIDENT. By unanimous consent, a recess may be taken. The calling of the roll has been commenced. The Chair knows no other way in which the result may be reached.

Mr. HODGES, of Pulaski, favored a recess of fifteen minutes.

Mr. McCLURE. I now object to any more speeches.

The PRESIDENT. The Chair will state that if no objection shall be made, gentlemen will be allowed to resume this debate, to-morrow, even after the vote shall have been taken.

Mr. BRADLEY. I claim the floor, to-morrow morning, unless the gentleman from Phillips [Mr. BROOKS] desires to speak, in which case I wish to follow him. I don't want to shoot at small birds—I wish to shoot at a big turkey.

Mr. BROOKS. The gentleman will undoubtedly be entitled to succeed me in debate if he chooses.

The PRESIDENT. As gentlemen do not seem to be desirous of continuing the debate, the roll will be called.

Mr. MOORE. I hold this, then; that if there is to be no more speaking *now*, the roll is to be called, and no more speeches are to be made.

Mr. BRADLEY. I ask permission to speak briefly. I do not desire that my speech shall be reported—I would not impose upon the Reporter.

Mr. McCLURE. I object.

Mr. SARBER. I suppose that no debate can be carried on except by unanimous consent.

The PRESIDENT. The gentleman [Mr. SARBER] is correct. The Chair hopes, however, that gentlemen will be allowed to proceed.

Mr. BRADLEY. This is an important question. That is a peculiar Constitution——

A MEMBER [*Mr.* BRADLEY *retaining the floor*] suggested that the Convention take a recess until the morrow morning at ten o'clock. [Cries of "Object."]

Mr. McCOWN. Will the Convention hear me for one moment? I have not been a talking man——

Mr. GANTT. I rise to a point of order.

Mr. McCOWN. I say, I have not been a talking man. I ask, in justice to the gentleman from Bradley [Mr. BRADLEY], the Reporter, and ourselves, that we take a recess. I, in common with others, want the gentleman's speech reported.

The PRESIDENT. The difficulty arises from the fact that objection has been made to further speeches.

Mr. GANTT. I rise to a point of order. The gentleman from Bradley [Mr. BRADLEY] has the floor. The gentleman from Columbia—or Calhoun—I don't remember where he is from——

Mr. McCOWN [*to Mr.* GANTT.] I would like to ask you where *you* are from.

Mr. BRADLEY. I cannot consent to be interrupted any further.

Mr. GANTT. I will state, with due respect to the gentleman [Mr. McCOWN], that I really do not know where he comes from.

Mr. McCOWN [*to Mr.* GANTT.] I really don't remember where *you* come from.

Mr. KYLE. I must ask leave to say a word, here.

The PRESIDENT. There is objection to any further remarks.

Mr. GREY, of Phillips. I move a recess to half-past nine o'clock, to-morrow morning.

Mr. BRADLEY [*to Mr.* GREY.] You are an honorable man, sir, despite your color, and your kinky hair; and I have found you such. I wish to speak upon this subject.

The PRESIDENT. The gentleman from Bradley [Mr. BRADLEY] will come to order. The Chair is very anxious to listen to the gentleman's remarks; but the point of order must be settled. Gentlemen object; and the Chair must adhere to well-recognized rules of parliamentary proceedings.

Mr. McCLURE. I have no objections to this matter going over till to-morrow morning; but otherwise, I must object to any further debate.

Mr. REYNOLDS. The gentleman from Bradley [Mr. BRADLEY] had the floor, and had commenced speaking before any objections were made.

Mr. SARBER. I call the gentleman's attention to the motion that was made.

The PRESIDENT. The Chair has no recollection of any motion presented.

Mr. McCOWN. This matter has been opened for debate; and it will not be proper to crush any man out.

Mr. MONTGOMERY. The gentleman has five minutes, in which to speak, when he votes.

The PRESIDENT. The Chair repeats that the debate is open by unanimous consent, and that without unanimous consent, it cannot go on.

Mr. GANTT. I object to any further debate.

The PRESIDENT. The gentleman from Prairie [Mr. GANTT] objects: neither debate nor a motion for recess, therefore, is allowable. The roll will be called.

THE CONSTITUTION—RESUMED.

Mr. BRADLEY. Will I be allowed to explain my vote, when the roll is called?

The PRESIDENT. Yes, sir.

Mr. MONTGOMERY. I move a call of the house.

Mr. BRADLEY. I rise to a privileged question. Men who are in favor of "equal rights before the law," certainly will not suffer some men to speak half an hour, and then choke others down.

Mr. HODGES, of Pulaski. I know the two gentlemen who object,—the one is the gentleman from Arkansas [Mr. McClure], and the other is the gentleman from Prairie [Mr. Gantt]; and, knowing them, I do still hope that the greatest latitude will be given. I wish to clear myself of this matter.

Mr. GANTT. I desire to read Rule XXI:

> "Any member may move a call of the Convention, and if sustained by one-third of the members present, the roll shall be called, and absent members sent for. After the roll is called, no member shall be permitted to leave the room until the report of the Sergeant-at-Arms be received, or further proceedings in the call be suspended by a vote of the majority of the members present."

A call of the house was ordered.

The SECRETARY proceeded to call the roll.

Pending the call of the roll,

A quorum of the members of the Convention having answered to their names,

The PRESIDENT directed that the call of the house be discontinued.

The PRESIDENT then directed the Secretary to proceed with the call of the roll upon the question of the adoption of the Constitution, its Schedule, and Ordinance, as reported by the Committee on the Constitution, its Arrangement and Phraseology.

The question was taken; and it was decided in the affirmative,—Yeas 45, Nays 21, as follows:

YEAS:

Solomon D. Belden,
Moses Bell,
Walter W. Brashear,
Joseph Brooks,
Daniel Coates,
George W. Dale,
Amos H. Evans,
Solomon Exon,
James M. Gray, of Jefferson,
William H. Grey, of Phillips,
John W. Harrison,
Robert Hatfield,
Monroe Hawkins,
James Hinds,
James L. Hodges, of Pulaski,
J. A. Houghton,
John H. Hutchinson,
Thomas P. Johnson,

Gayle H. Kyle,
Miles Ledford Langley,
Samuel W. Mallory,
James W. Mason,
Peter G. Misner,
Jesse Millsaps,
John R. Montgomery,
William Murphy,
George W. McCown,
John McClure,
Charles H. Oliver,
Frederick R. Poole,
John C. Priddy,
Nathan N. Rawlings,
Henry Rector,
Franklin Monroe Rounsaville,
F. M. Sams,
Richard Samuels,
John N. Sarber,
George S. Scott,
Clifford Stanley Sims,
Thomas Smith,
O. P. Snyder,
James T. White,
Parley A. Williams,
William A. Wyatt,
The President (Thomas M. Bowen.)

Total, 45.

NAYS:

W. W. Adams,
William A. Beasley,
John M. Bradley,
Joseph H. Corbell,
J. N. Cypert,
Bouldin Duvall,
Robert S. Gantt,
William F. Hicks,
Anthony Hinkle,*
James M. Hoge,
Samuel J. Matthews,
W. D. Moore,
George W. Norman,
James P. Portis,
R. G. Puntney,
W. W. Reynolds,
James H. Shoppach,
R. C. Van Hook,
Charles W. Walker,
Ira L. Wilson,
Joseph Wright.

Total, 21.

ABSENT AND NOT VOTING:

Hampton T. Allen,†
W. H. Gray, of Woodruff,†
Asa Hodges, of Crittenden,‡
William G. Hollis,§
Elijah Kelly,†
Thomas Owen,†
W. H. Pickett,†
Ham. W. Ratcliffe.||

Total, 8.

So the Constitution, its Schedule, and Ordinance, were adopted.

Pending the call of the roll:

[Mr. ADAMS appended his name to a written explanation filed by Mr. Gantt, and which was spread upon the Journal.]

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* Subsequently changed his vote to Aye.

† Never appeared in the Convention.

‡ Absent as messenger of the Convention to Hdqrs. 4th Military Dist.

§ Sick.

|| Had not yet taken his seat in the Convention.

Mr. BEASLEY (when his name was called) said: I have ever been a Union man. I was elected here as a reconstructionist, upon the Congressional plan; and I am still in favor of reconstruction upon that plan. I have labored for it, and have voted for every measure that did not go beyond that. But I am obliged, in the conscientious performance of my duty as a member of this body, to say, that I consider the Constitution now suddenly proposed for our summary action, and which, by a vote of the Convention, we are compelled at once to approve or reject, in all its features, unfair in its provisions, and oppressive beyond the expectations of my people. I was sent here to give all the people equality before the law. I was sent to give that equality to the black man. I have not attempted, in any instance, to withhold from him that right. But, at the same time, it was not expected that I would disfranchise the people of Arkansas, or help to lay the foundations of their disfranchisement, so generally as I conceive to be effected by the Constitution which we are about to adopt. Under these circumstances I have labored hard for the purpose of modifying it in some respects. In every instance I have failed. In every instance I have failed! Nothing has been conceded to me, or to the expectations of my people; and I would prove recreant to the trust reposed in me, if I should accept this Constitution (as I must, if I accept it at all), as a whole.

The establishment of two new offices created by the Constitution—those of two additional Judges of the Supreme Bench,—which I have labored hard to prevent, I look upon as a monstrous thing. The Constitution proposes to tax my people heavily for the support of two superfluous officers, to say the least, and, I think, in reality, four—an Attorney-General, a Lieutenant-Governor, and two additional Supreme Judges—four offices which could well be dispensed with on the ground of economy. The people will not expect me to vote for such a measure.

The system of taxation provided, it is known I have opposed. The Constitution proposes to tax one-third of the citizens of Arkansas. And, to make the tax more galling than it would otherwise be, it proposes to disfranchise them, and then to tax them for the support of this extravagant government—measures for which, I am confident, my people will not allow me to vote, and see their faces in peace again. I have labored for a poll-tax for revenue, as well as for school purposes.——

Mr. HINKLE [*in his seat.*] That is right.

Mr. BEASLEY. I desired to set apart a portion of the tax raised from the people generally, both by the poll and from property, for school funds.

Mr. HINKLE [*in his seat.*] That is right.

Mr. BEASLEY. All this has been denied.

Again, it is provided that all the people shall be taxed to school every child between the ages of five and twenty-one years, in the State of Arkansas, and it is then denied that any county, after paying that tax, shall draw one cent of the fund, unless a free school shall have been kept therein for not less than three months during the year; thus taxing my people, in case they should not come readily into the system of free schools, to educate the children of other counties, and denying them their *pro rata* portion of the money paid out of their own pockets. This constitutes another reason why I could not support the Constitution.

Then, although no injury has been done my section of the country, in the apportionment under that system of gerrymandering which has been resorted to, yet that system embodies such a multitude of frauds, that I cannot, as an honest man, in the fear of God, and in the face of the people I represent, ever put my signature to it, and appear before that people again.

I must, therefore, say No.

Mr. Beasley subsequently sent to the Secretary's desk the following explanation, which he asked to have spread upon the Journal:

Mr. President. I desire to enter my protest against certain sections contained in said Constitution.

1st. My objection is found in the Judiciary, Section 3, which provides for five Supreme Judges, which I think oppressive to the impoverished and down-trodden people, when there is, in my judgment, full sufficient for the business of this State at the present period.

2d. My next objection is found in the elective franchise particularly, or covering clause, which declares that the General Assembly shall not have power to remove the disabilities of persons embraced in the 1st, 2d, 3d, and 4th subdivisions of the 3d Section of said Article.

3d. My next objection is found in Section Six (6) of Article Nine (9), in the educational provisions, which say that no township nor school district shall have any part of the general school-fund, unless that a free school has been kept in said district at least three months during the past year. If my people are taxed for school purposes, I want them to have a portion of said public moneys, whether we have had schools or not.

4th. My next, and most serious objection, is found in the financial department, Section One (1), which declares that there shall be no poll-tax in this State except for schools. Which Article proposes to relieve or exempt about two-thirds of the voters of this State, from taxation, except for schools, or school purposes, throwing the burden of taxation for revenue upon but little more than one-third of the citizens of this State; which I regard as an outrage upon a helpless and defenceless people, many of whom are, by said Constitution, disfranchised.

These are my principal objections to the Constitution. In most of its phraseology and arrangement, it cannot be excelled; but the objections I have referred to are insurmountable, and will be the means of its final defeat when it goes before the people. I vote Nay.

WILLIAM A. BEASLEY.

[Mr. BELL sent to the SECRETARY'S desk, at a later stage of the vote, an explanation, which appears in its place, where offered.]

Mr. BRADLEY (when his name was called) said: How much time shall I be allowed, to explain my vote?

The PRESIDENT. Under the resolution, five minutes.

[Cries of "Leave."]

Mr. McCLURE [*in his seat.*] No.

[Cries of "Leave."]

Mr. McCLURE [*in his seat.*] No.

Mr. BRADLEY. I will remark, in the outset, that I expect to vote No; but if the Constitution shall be voted down to-night, I am willing, to-morrow, to move to reconsider the vote, and thus re-open the subject.

I must, as a man who has spent his time, his influence, and everything he had and was, in favoring the plan of reconstruction under the Military Bill, and who came here in good faith, expecting to assist in the compromise of all these great questions growing out of the proposition for negro suffrage, say, that now, when I come to the last extremity, and find myself engorged with monstrosities,—when I find a document which, if one could put it on public exhibition, throughout the United States, would make his fortune, as the rarest specimen of human production ever known or heard of in all Christendom,—I am compelled to oppose its adoption. Yes, sir; this monstrosity is great enough even to shroud the aspirant for Congress; and I expect he intends to wrap himself up in it, when he makes his canvass for the position. God and angels know I am not trifling with this question! I came to assist in making a Constitution; and I want to do it. I know how I have been treated—how I have been spurned, and my honesty, and honest intentions, insulted. Gentlemen came here to form an organic law, for the State of Arkansas,—the best, under the circumstances, that we could do, under the provisions of the Military Bill. I have faithfully and steadily directed my energies to the accomplishment of that identical point. But, gentlemen, after all this,—in the name of God, in the name of your fathers and mothers, and of your sons who sleep in the graves of heroes, in the name of your children, and those of your neighbors, I ask you if you propose to thrust into the same common school with your child and mine, the children of the negro. Will you endorse that monstrous enactment which proposes to take advantage of the necessities of widows, and of poverty-stricken men, who cannot afford to send their children elsewhere, to compel them to thrust those children, for three months in the year, among the offspring of a race whom God, by writing an indelible mark upon their head and foot and brain, has pronounced the social inferiors of your sons and daughters? You insult the unfortunate people of Arkansas! I say, it insults Heaven; and I say, to-night, before my God, that no honest man, be he black or white, advocates such a measure: and I am responsible for what I say. I want, before I leave Little Rock, to make a Constitution; and I cannot vote for that thing. I ask no greater boon than to record my vote against that damnable instrument of ruin, that proposes to crush my race, whom God has made, and upon whom he has stamped the image of Himself that sat upon the brow of Adam when he fell from the hands of his Creator, in Paradise.

I ask the gentleman [Mr. BROOKS] who moved, this evening, the suspension of the rules, that this instrument might be introduced here,—have you ever read those passages of Holy Writ which say,—"Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you—" "Whosoever shall smite thee on thy right cheek, turn to him the other also?" Do you propose to trample under your feet the bone of your bone and flesh of your flesh? Can you look upon the burning throne before which you shall stand, not only as a minister of the Gospel, but as a representative of your race, and face the record you make in this hall? I blush—your wife and children will blush—to see your record, and read it in the face of future generations. I claim to be a Christian man. I was born in a Christian land; I have read the Bible, and subscribe to its doctrines. I love it; I bind it, with its teachings, to my bosom——

Mr. WILLIAMS. I call the gentleman to time. [Cries of "Leave."]

Mr. BROOKS. I hope the gentleman will be allowed, by consent, to proceed.

Objection being made,

Mr. BRADLEY presented the following explanation of his vote, which he asked to have spread upon the Journal.

I ask to bequeath to my posterity no greater boon, than to record my vote against that damnable engine of oppression and ruin. I ask my language to be cut in a rock, and lead poured into the letters, to stand forever. I vote Nay.

JOHN M. BRADLEY.

Mr. BRASHEAR (when his name was called) said: I claim the same right with the gentleman from Bradley [Mr. BRADLEY], to explain my vote. He appeals to the oracles of Divine truth, to show that he is sincere in his belief that the Africans are an inferior race, and not our equals. And I, while I shall record my vote in the affirmative, appeal to the Scripture, for the truth of my belief that God has created in one image all the nations of men. And not only so, but I appeal to the great authority of

Thomas Jefferson, that all men are created equal. And I say it in all candor. I am perfectly willing to appeal to God for the purity of my intentions. I profess to be an honest man. I say that the Almighty has never made a more honest man than I am. I claimed my liberty at the point of the bayonet; and I stand, to-night, in the hall whither I was dragged, as a prisoner, for my attachment to the same cause for which I vote to-night. I studied these same lessons of loyalty and liberty, in Benton Barracks. That is all I have to say. I vote Aye, upon this question; calling upon the same authority to which the gentleman from Bradley [Mr. BRADLEY] appealed, for the purity of my motives. I claim that to be a privilege that belongs to me, in common with the rest of the human family.

Mr. BRASHEAR subsequently sent to the SECRETARY's desk the following statement; which he asked to have spread upon the Journal:

I am opposed to five Judges instead of three.

W. W. BRASHEAR.

Mr. BROOKS (when his name was called) said: I shall vote Aye. I regret that the Constitution is not, in all its details respecting the Judiciary, and the common-school system, and in other regards, such as to conform to the views and feelings of all the loyal members of this Convention.——

Mr. CYPERT. Do I understand the gentleman to impugn the loyalty of any man in this Convention?

Mr. BROOKS. Will the time which I may occupy in replying to the gentleman, be counted in my five minutes?

The PRESIDENT. The Chair hopes that the gentleman [Mr. BROOKS] will not be interrupted, during the five minutes allowed him for explanation.

Mr. BROOKS. I regret, and many gentlemen regret, that we were unable to reconcile all the conditions, and conflicting views, of the friends of reconstruction. But I hope the country at large will understand the position assumed, on this floor, during the progress of the Convention, and especially this evening, by the members of the Opposition in this body. The assaults which they have made, they have made simply because they are opposed to all reconstruction; as I might amply prove by the document which I hold in my hand, and from which, did time allow, I would be gratified to read,—the official proceedings of the Convention which met in the hall below us,—in which document that Convention declares positively, in advance of our work, and before even the general principles of the Constitution had been announced, that they would vote against everything which we might put forth, and that on the ground of the unconstitutionality of this Convention; while they appeal to the people against the civil and political equality of the colored race with the white, with all the eloquence of the gentleman from Bradley [Mr. BRADLEY], who has given in his recent adherence, *in toto*, to the Opposition, and declared that he had been all the time with the "White Man's Party," the fundamental principle of whose doctrine is, opposition to reconstruction, and who make such opposition obligatory upon all the members of their party.

Mr. BRADLEY. I never said any such thing.

The PRESIDENT. The Chair insists that gentlemen must not be interrupted.

Mr. BROOKS. I hope that every Republican member of the Convention will vote with a distinct understanding, and with the issue distinctly presented to their minds, that gentlemen,—a portion of them,—who vote against this Constitution, whatever may have been their professions, will vote as they have pledged themselves to vote, simply because they are opposed to all reconstruction. The position of other gentlemen, we of course understand, is taken on principle. They are opposed to the great cardinal principle upon which reconstruction, and this Constitution, are based,—namely, the equality of all men before the law. They have so declared publicly, in conventions. They believe that colored men ought not to have the right of citizenship. We, the great Republican Party, hold that they should have the ballot; and we intend that they shall have it: and we will sustain the Government based upon the principles of universal franchise and universal equality. I have not had any opportunity to address myself to that question; and I regret that none of us have had the opportunity to do so. But I do *not* blush to face my wife and daughters, nor the great judgment-seat, for my vote to-night, in favor of the freedom and equal privileges of all men. I vote Aye. [Applause.]

Mr. COATES (when his name was called) said: I have some objections to the Constitution; but I will vote Aye, and make no apology.

Mr. COATES subsequently sent to the SECRETARY'S desk the following explanation of his vote; which he asked to have spread upon the Journal:

> I have some objections to the Constitution as a whole, the principal one being the creation of two or three unnecessary offices in the Judiciary, etc., which will tend to tax to a greater extent the people of the State; but I vote Yea, as we may not be able to better it.
>
> COATES.

Mr. CORBELL (when his name was called) said: I belong to no party opposed to reconstruction; but, taking the Constitution as a whole, I feel bound to vote in the negative, believing it to be revolutionary in its nature.

Mr. CORBELL subsequently sent to the SECRETARY'S desk the following explanation of his vote; which he asked to have spread upon the Journal:

On the adoption of the present proposed Constitution I vote in the negative, believing it to be in violation of the Reconstruction Acts, and tending to be revolutionary in several respects.

CORBELL.

Mr. CYPERT (when his name was called) said: I do not wish to explain my vote at any length—and upon this principle,—that I do not wish to cast my pearls before swine. I have written my objections, to be spread upon the minutes. I vote No.

Mr. CYPERT joined with Mr. GANTT in a written explanation; which was subsequently sent to the SECRETARY's desk, and spread upon the Journal.

Mr. DALE (when his name was called) said: I am a man of slow speech, and shall not be expected to say much in five minutes. There are some features of this Constitution, which, if I had had the making of the whole, myself, I should have made different. This is particularly the case in regard to the Judiciary. I should have been in favor of having not more than three judges on the Supreme Bench. I attempted, throughout, to have that section so framed; and only conceded the point because I became satisfied that it was, as it stands, the best that I could get. I might find, and would have found, perhaps, if I had had the decision of the whole matter to myself, some fault with the Article on the franchise. That Article does not exactly suit me, though it was the best I could do. I got it in pretty strong, in the start; but what with all the cuttings and slicings that it has undergone, it has come out nothing more than the mere shadow of a skeleton;—and that clause, I thought, almost anybody could accept, leaving, as it does, the door wide open for every disloyal gentleman to come in whenever he should be ready. I thought no opposition would be made to that. However, I have no apologies to make, here or elsewhere, for my action in the matter. I am responsible to myself and my constituents; and I am not afraid to go home, before the Union men, upon that subject. I do not expect to be frightened about it, or to be alarmed by any denunciations from gentlemen here, of those who oppose this Constitution. I would first say, however, for the information of those who choose to differ from me, that I do not claim that degree of honesty which seems to be claimed by some gentlemen. I notice that some gentlemen scarcely ever rise upon the floor, but they declare and reiterate their honesty. So far as I am concerned, I leave the world to judge, for themselves, of my action. I do not propose to be held responsible to any man, or set of men, for my action here. I vote Aye.

Mr. DUVALL (when his name was called) said:

My explanation is very short; but I would ask that it go upon the records.

Mr. DUVALL read the following explanation of his vote, which was spread upon the Journal:

I was loyal to my country through the rebellion, and am yet; therefore, I will not vote for a Constitution that will exclude me from the right of an American citizen, together with many others that I might name. I vote Nay, and regard it as the proudest act of my life.

Duvall.

Mr. EVANS (when his name was called) said: I vote Aye, asking that my explanation may be spread upon the record, as those of others have been.

Mr. Evans sent to the Secretary's desk the following explanation of his vote; which was spread upon the Journal:

In explanation of my vote on the Constitution, I wish to say that I think three Supreme Judges sufficient to adjudicate all cases coming before that Court. In my opinion, the qualifying vote of an elector contains much that is superfluous, and I would prefer a more liberal franchise. I am not satisfied that the impression shall prevail that my County will not do justice to all concerned while sitting as jurors, though on political questions they may entertain difference of opinion. However, for the sake of harmony and unity, I waive my own views and wishes, and record my vote, Yea.

A. H. Evans, of Monroe County.

Mr. EXON (when his name was called) said: I consider that I have always been loyal, too. I came here representing the loyal portion of the people of Clark County. The Constitution does not suit me in every feature. Like my friend from Independence [Mr. Dale], I think there is a little too much milk-and-water about it; but I vote Aye, and consider it as proud an act as ever I performed in my life.

Mr. GANTT (when his name was called) read the following explanation of his vote; which explanation he asked to have spread upon the Journal, and to which were subsequently appended the names of Messrs. Cypert, Adams, Reynolds, Hoge, Walker, Wright, Hicks, and Moore:

Having been denied, by the action of the Convention, sufficient time to express at length our objections to the Constitution, we are content to vote *No*, for the following reasons:

1st. The Constitution is not republican in form.

2d. It is proscriptive.

3d. It is destructive of the dearest rights of the people of the State.

4th. It disfranchises a large number of the best white citizens of the State.

5th. It enfranchises a class of inhabitants totally incapable of self-government.

6th. If adopted and ratified by the people, it will deliver over to stolid and brutish ignorance the political control of the State.

7th. It encourages the social equality of the white and black races.

8th. It annuls and declares void a large class of debts contracted upon a valuable consideration, prior to the late rebellion.

9th. It imposes the entire burden of taxation upon the white inhabitants of the State, many of whom are, by its terms, disfranchised; and relieves from taxation almost the entire negro population—not one of whom, who has attained the age of twenty-one years, is, by said Constitution, denied the right of suffrage.

10th. It compels the white citizens of the State to contribute, by taxation, to the support of public schools, from which their children will be effectually excluded.

11th. We regard the acts of Congress, under which this Convention is being held, as unconstitutional.

12th. In our opinion, the State of Arkansas is in the Union under a Constitution, republican in form, entitled to all the rights of a constituent part thereof, including representation in the National Legislature; and consequently, that a new Constitution is not necessary.

R. S. Gantt, delegate from Prairie County.
J. N. Cypert, " White "
W. W. Adams, " Izard "
W. W. Reynolds, " Benton "
James M. Hoge, " Washington County.
C. W. Walker, " " "
Joseph Wright, " Carroll "
W. F. Hicks, " Prairie "
W. D. Moore, " Ashley "

Mr. GRAY, of Jefferson (when his name was called), said: I vote Aye, considering the Constitution good enough for me.

Mr. GREY, of Phillips (when his name was called), said: I did not come here to make a Constitution, but to see one made. I have heard some expressions of reasons for the course which gentlemen have pursued in voting upon the adoption of the Constitution. I shall vote Aye, because the Constitution gives the negro the right of suffrage. I will just remark, with one gentleman who has already voted, that the Constitution is not, in every particular, perhaps, such as I would have wished it; but I fancy that there have been other similar instruments which have met with the same objections, and yet which have proved beneficial, in the highest degree, to the communities for which they have been framed. I find that such objections were made to the Constitution of the United States. Many men who assisted in the framing of that Constitution objected to many of its features; yet I find the great authority of George Washington urging its acceptance, on the ground that men must not expect, in such a case, to obtain all that they wanted.

I would have liked to have had time to reply to some remarks which gentlemen have made upon the floor, this evening. One thing I will say, however, in the brief time allowed me. I am sorry, to some extent, to have seen the feeling that has been exhibited, between gentlemen here, upon this great question, a question of so much importance to themselves and to their children. I was in hopes, when I came to Little Rock, that the time had dawned, so beautifully illustrated by the ladies in Columbia, Mississippi, some months ago, when, in strewing flowers upon the graves of the dead heroes of the war, they made no distinctions between those who had fought in the two opposing ranks.

> "From the silence of sorrowful hours
> The desolate mourners go,
> Lovingly laden with flowers
> Alike for the friend and the foe.
> Under the sod and the dew,
> Waiting the Judgment Day,—
> Under the roses, the Blue;
> Under the lilies, the Gray.
>
> "Sadly, but not with upbraiding,
> The generous deed was done;
> In the storm of the years that are fading,
> No braver battle was won.
> Under the sod and the dew,
> Waiting the Judgment Day,—
> Under the blossoms, the Blue,
> Under the garlands, the Gray."

Having seen assembled, here, gentlemen from all portions of the State, representing these different ideas, I had hoped more harmony would have existed on the subject of the organic law of the land. But as that cannot be,—as the circumstances amid which we have been cast, for the last few years, have created these discordant opinions as to what the organic law should have been,—then, as, by this Constitution, you of the majority give me my rights, as you give me equality before the law, and enable me to protect myself, by the only efficient means, I certainly accept it, joyfully and thankfully. I vote Aye.

Mr. HATFIELD (when his name was called) said: The Constitution is not exactly what I would have liked to have; it is not the best we could have made, especially in the particular of the franchise. I wish to make a record for myself, and for my wife and children and family. When I do so by voting for the adoption of this Constitution, I think it one of the best acts of my life. I have, however, especially opposed the disfranchisement clause, and have contended that all the men who have been enemies to the country, who have deserted the interests of their country, and brought misery and destruction upon the land, and who, yet are setting themselves up to control the loyal element of the State, ought to have been disfranchised. I want my record to go before the world. I think it will stand higher than that of those who declare that we shall not have suffrage, throughout the land, for all men. I am willing, sir, that my record should go—as has been remarked—before my wife and children. I think that, in every sense of the word, it will be well pleasing to them, and to every loyal man in the State of Arkansas, that we should oppose these murderers and cut-throats, to the bitter end. I would have framed the Constitution differently. I would have exiled many of them from the United States, and have placed many of them in the Penitentiary, for swearing lies. I do not profess to be a very honest man; but when I witness such acts I desire to see them punished as they deserve. I say these things in regard to lies, meaning all I say; and I am responsible, for this or anything else that I may say. I have written an explanation of my vote; which I desire to have placed upon the record,—to the effect that I vote Aye, though taking some little exception to the Constitution, as regard its variations from what I proposed to have it.

Mr. HATFIELD sent to the SECRETARY's desk the following explanation of his vote:

> I vote Yea; but I am opposed to Section Three, Article Seven, believing that three Supreme Judges are sufficient to perform the duties of the Supreme Court for many years. I ask that this explanation be placed upon the Journal of this Convention.
>
> ROBERT HATFIELD.

Mr. HICKS (when his name was called) read the following explanation of his vote; which he asked to have spread upon the Journal:

> I vote Nay, for the reason that this Constitution is made for a class of citizens not known to the Constitution of the United States; that it disqualifies a large portion of those who have exercised the elective franchise; that it was *concocted in secret*, and brought forth *between two days.*
>
> W. F. HICKS, of Prairie County.

Mr. HICKS subsequently appended his name, also, to the explanation filed by Mr. GANTT, and which, also, was spread upon the Journal.

Mr. HINDS (when his name was called) said: Believing the Constitution to be a good one, equal to that of any State in the American Union, I vote Aye.

Mr. HINKLE (when his name was called) said: This is the first time that I have risen to explain, or give a reason for my vote. I have to exclaim, at this time,—Great God! is there no help for the widow's son? [Laughter.] I was elected by as loyal a body of constituents as ever breathed the breath of life. They have proved their faith by their works; and I have led them in proving that faith. I went into the Federal service, in as good faith as any man ever entertained. I recruited more soldiers than any man in this section of the country ever did in the same time; and it was when the country was destitute of men; and no other man, I do believe, could have made a company, but myself; and I recruited a hundred and forty, and that in about three weeks. I went out to make a record for myself; but we were led by a set of men that, from the beginning to the end, sought our overthrow, and who made a record for me. My people have not lost confidence in me yet; they have sent me *here* to make a record for myself; and all the devils in hell cannot keep me from it! [Laughter and applause.]

I was elected under the Reconstruction Act. I am in favor of it. I support it. I am for the rights, liberties, and privileges, of the negro. But when the Constitution, which we were sent to form, is loaded down with unjust side issues, as this is, and by a set of the same class of men that have made a record for me, I cannot and will not follow them. I am with the loyal people of Arkansas. I expect to live and die with them. It cost everything I had, to be a loyal man; and I offered my life a sacrifice for loyalty. These men now trying to take advantage of me—what have they to sacrifice? They have everything to gain, and nothing to lose, but their lives. I have fought my way through at the point of the bayonet. I did not hide myself under any little office that kept me secured from the bullets—I was out *after* the bullets—I was not Commissary or Quartermaster—I took my sword in my hand, to suppress the jayhawkers and bushwhackers, as an honest man; and I fought it out.

What do I now see? A set of men comes here, destitute of office, and hungering after it. We must needs create new offices, for their benefit. Every man of common sense knows there is no possible kind of need for five Judges upon the Supreme Bench. I protest against it, from beginning to end!

Mr. BRADLEY [*in his seat.*] Amen!

Mr. HINKLE. The next feature against which I protest, is that of the disqualification of men whom we hold sacred to our hearts, for the purpose of getting another man into the United States Senate. When I have my glasses on, I can see as far in a millstone, as those that picked the eye! [Laughter.]

Mr. BRADLEY [*in his seat.*] When there is a hole in it.

Mr. HINKLE. Sir, the question of apportionment belonged to the old citizens of Arkansas. They should have had an opportunity to say what apportionment they wanted. Every county should have its representative: but have they got it? Conway has got hers—if she can get it!

Sir, I am in favor of reconstruction, on just, on equitable principles.

The features of this Constitution, to which I have referred, I do most emphatically object to.——

A MEMBER [*in his seat.*] Time!

Messrs. DUVALL and MOORE [*in their seats.*] He has a minute, yet.

The PRESIDENT. Not by my watch.

Mr. HINKLE. I have the time before me; and I have as good time as any gentleman. I vote No, if that will suit you. [Laughter and applause from the left.]

Mr. HINKLE subsequently sent to the SECRETARY's desk the following explanation, which he asked to have spread upon the Journal:

Mr. PRESIDENT: I vote Nay, for the reason that I consider five Judicial Judges is taxing the people unnecessarily, and can do no other good than make room for more officers.

2d. I consider prohibition of the Governor and Lieutenant-Governor to aspire to a higher office, cannot result in any other good only to deprive the people of this State from their first choice for a Senator.

3d. I consider every male citizen between the ages of twenty-one and sixty years, should pay a poll-tax for the support of the government in which he lives.

4th. I consider the voting on the Constitution, on the whole, as unjust and unfair, and done for the express purpose to take the advantage, and force me to vote against my honest convictions; for it is well known, so far as the general principles are concerned, *i. e.*, the disfranchisement, I am for it, heart and soul,—and also the enfranchising of blacks.

HINKLE.

[Mr. HOGE appended his name to the written explanation filed by Mr. GANTT, and which was spread upon the Journal.]

Mr. JOHNSON (when his name was called) said: I vote Aye. I am of the Radical Party, to the bone. I believe this Constitution to be the best one that Arkansas ever had.

The gentleman from Ashley [Mr. MOORE] has undertaken to show us that the class of men of whom he is a representative, are our best friends. My God! I hope he will put his hand over his mouth, and never speak that word again. We are very much inclined to believe that the men who are trying to secure equal rights for us, are our best friends.

If you are not ready for us to have the right of voting, according to the true Republican doctrine of the equal rights of all men, you do not want us to have any rights, but just let us stay in slavery, as we were before the war.

Mr. KYLE (when his name was called) said: I shall vote for the Constitution, upon the same principle with that expressed by some other members of the Convention. I desire that this paper may be entered upon the Journal.

Mr. KYLE read the following explanation of his vote, which he asked to have spread upon the Journal.

Mr. PRESIDENT: I desire the following, as my protest, to be entered on the Journal of the Convention:

1st. I am opposed to fastening on the people, in their impoverished condition, five, instead of three, Judges of the Supreme Court, when the latter number would be amply sufficient to decide all cases in said Court as correctly, and with as little delay, as the five; and further, as it is a departure from the provisions contained in the Constitutions of a majority of the States of the Union.

2d. I am opposed to that clause of the Article on the franchise, which denies to the Legislature the power to remove the disabilities of citizens, who, in the exercise of a discretion given them by Congress, oppose the ratification of the Constitution from its adoption by the Convention, instead of after it becomes effective by the ratification of the people.

3d. I am opposed to the system of apportionment, which provides that Representatives shall be elected by the voters comprising a Senatorial District, instead of by the voters of the several counties. But, as a whole, I think there is in the Constitution more to commend than to condemn. I therefore vote for it.

GAYLE H. KYLE.

[Applause.]

Mr. LANGLEY (when his name was called) said: I want it understood that I am a Radical. I believe in universal freedom, impartial suffrage, and equal rights. I will vote for the Constitution as a whole, thinking it is a good thing, for the men that made it.

Mr. MOORE [*in his seat.*] I think so, myself.

Mr. LANGLEY. It is a good thing, to come from the brain of a "menagerie." It is not all that I wish it to be; but I will vote for it, with the right to reserve an amendment providing for female suffrage,—with the expectation of presenting my reasons. I am a consistent man, and wish to make the right of suffrage really universal.

Mr. MALLORY (when his name was called) said: As it seems to be in order to recite the exploits of the past, and compare them with those of the present, I will say this. I thought that on the battle-field of Shiloh I had helped to do a good deed—at Corinth the same—at Hatchie River the same—at Vicksburg the same: but I say now that it is the proudest act of my life, that I can hand down this vote of Aye to my posterity! [Applause.]

Mr. MOORE [*in his seat.*] Glory!

Mr. HINKLE [*in his seat.*] Hallelujah!

Mr. MASON (when his name was called) read the following explanation of his vote; which he asked to have spread upon the Journal:

1st. In the present impoverished condition of our State, I consider it unnecessary, and entirely wrong, to have five judges upon the Supreme bench.

2d. I object to the clause disfranchising those who oppose reconstruction, after the adoption of this Constitution, by this Convention, for the reason that I regard it as being contrary to a republican form of government, and as being arbitrary and unjust.

3d. I object to the continued disfranchisement of all persons who are now disfranchised by the present Reconstruction Acts of Congress, as I believe many are now disfranchised who ought not to be; but, in the face of the reiterated assertions of gentlemen of the Conservative Party, that they are not willing to give us the right of suffrage under any circumstances, I am forced to accept this Constitution as being good as a whole, and as being the best that I can get under the circumstances, and give up my ideas of limited disfranchisement and qualified suffrage.

J. W. Mason.

Mr. MATTHEWS (when his name was called) read the following explanation of his vote; which he asked to have spread upon the Journal:

I vote Nay, because the proposed Constitution fails to provide that the elective franchise shall be enjoyed by all such persons as have the qualifications prescribed in the Act of Congress entitled "An Act to provide for the more efficient government of the Rebel States," as said Act requires; because the proposed Schedule to said Constitution is, in its terms, violative of the Reconstruction Act, and revolutionary; because the districting of the State, and the apportionment of the Representatives in the Senate and House of the General Assembly, is unequal, unjust, and is made without regard to the wishes, rights, or convenience of the people, but solely, and confessedly, for party purposes; because said Constitution will create two Supreme Judges, a Lieutenant-Governor, and other officers, at an increased expense to the people of the State, for no other reason than that certain political aspirants may have places; because the common-school system it proposes, is an abomination to every white man true to the well-being of his race. And for many other reasons; not the least of which is the unexampled manner in which this proposed Constitution is being hastened through, without being printed, and at its first reading, without any necessity being shown for such a course.

S. T. Matthews.

Mr. MISNER (when his name was called) said: I have nothing to say; I will occupy the five minutes, however, to keep the measure. Except as to the Judges, I approve the Constitution;—as regards that feature, I have done all I could do, in opposition, since it taxes unnecessarily the people of the State. I don't know but we can bear it, so that we can obtain a support, some way or another—we have always done so, I believe. I have been very much opposed to making new teats to this old sow, because some men want to suck them. [Laughter.] I vote Aye, particularly on account of the provisions respecting the franchise—what there is here—it might, to advantage, have been a little worse on the Rebels. [Laughter.] I would have disfranchised every one of them. I have suffered too much at their hands. They robbed me of my home, ran my wife from home, and robbed her on the way. Every man of them, here, now claiming the franchise, was doing the very same thing. Sir, I know that my constituents will applaud me for voting for this Constitution, as the best deed I could do for the interests of the State.

Mr. MURPHY (when his name was called) said: As this Constitution is based upon the platform of the Declaration of Independence, which declares that all men are free and equal, and by their Creator are endowed with certain inalienable rights, I shall vote Aye.

Mr. McCOWN (when his name was called) said: It may not be improper, perhaps, that I should explain my vote. I am not prepared to hand my explanation to the Secretary in writing, to-night; but I shall ask that privilege at a future time.

There are many features in this Constitution, that I do not approve.

First, I do not approve the legislative system. I believe that every county should have a separate Representative.

I do not approve the banking system.

The franchise is far from what I would have liked—far from what I hoped. I could never, without my most solemn and earnest protest, agree to disfranchise any man who went honestly into the late rebellion, as I went, myself, and is no more guilty than myself, and perhaps no less repentant to-day.

I would have been glad,—I believe it would have been proper,—to have had separate schools for the two races.

I think the poll-tax should have extended farther; for every man who enjoys the protection of the law should help support it.

I believe that every male citizen of the age of twenty-one years, who pays a tax, should have been a competent juryman.

It would be useless for me to elaborate these objections. I shall do so more fully in the paper which I shall hand in to the Secretary. But we have been here for nearly six weeks, at an expense, to our people, of fifty thousand dollars or more. I am unwilling to tear our work to pieces again, and entail upon them the expense of another fifty thousand dollars, to re-frame it, when I have no hope that it could or would be made less objectionable. I am willing to let this Constitution go to the people; and if they do not like it, let them put their foot upon it. I do not like it, myself.

[Mr. McCOWN on a subsequent day read an explanation of his vote, which was spread upon the Journal, and which appears in its proper place in the Report.]

Mr. MOORE (when his name was called) said: I shall vote No, for the same reasons, and desire my name to be placed upon the same document, presented by Messrs. GANTT and CYPERT. I do so, also, for other reasons, which to me appear good and substantial. I believe the instrument presented as an organic law for the State of Arkansas, to be a monstrosity, an outrage upon the rights of the people of Arkansas, and an insult to honesty and moral integrity. My vote, therefore, is, No.

[Mr. MOORE placed his name upon the explanation filed with Mr. GANTT, and which was spread upon the Journal.]

Mr. POOLE (when his name was called) said: As it is deemed fashionable to make an explanation, I will merely state that as I consider the Constitution submitted, to be about as perfect as imperfect man can produce, under the circumstances, I will vote Aye.

Mr. PORTIS (when his name was called) said: I have to object to this Constitution, and have sent to the Secretary's desk a paper containing my objections. I have there stated that I came here in good faith, to assist in framing a Constitution for the State. I am desirous of seeing that accomplished. And I think we could have accomplished it, to the good of the State and the satisfaction of the people. But to accept this instrument, as it is, with all its details, I cannot consent. I cannot approve it. I therefore vote No.

Mr. PORTIS subsequently sent to the SECRETARY's desk the following explanation of his vote; which he asked to have spread upon the Journal:

> I am opposed to the franchise clause in the Constitution; also to the clause in the Constitution requiring the collection of tax, for the reason that it relieves a great portion of the people from paying any tax for revenue purposes: also, I am opposed to more than three Supreme Judges: also, I am opposed to the registration oath prescribed in the Constitution: also, I am opposed to the districting of the State for Senators and Representatives, in the manner as arranged in the Constitution, for the General Assembly.
>
> P. PORTIS,
> Of Ouachita County.

Mr. PUNTNEY (when his name was called) said: It is common for gentlemen to give explanations of their votes; but as I came here a reconstructionist, though belonging to no party—no party responsible for what I might do, nor I responsible to any party,—I have felt under no obligations to explain any vote that I might give. For the satisfaction, however, of those whose acquaintance I have made since I came here, who know that I came as a reconstructionist, and hoping that we could frame a Constitution which we should be able to support, both here and at home, I will in this instance deviate from the rule which I had formed for myself.

I am sorry to say that I cannot support the Constitution now proposed;

and that for several reasons. The manner in which the representation is apportioned, for one thing. The organization of the Supreme Court for another. The franchise for another. The taxes are so distributed that one class of our citizens—and they—a great many of them—disfranchised, will have to pay the great burden of the tax of the State. I object to the Schedule, in the matter of the apportionment of the Senate. I am like my old friend over here [Mr. HINKLE]—I think I, too, can see into a millstone, a little, when I have my spectacles on. [Laughter.] It does seem to me, sir, that this measure is not designed for the good of the people, or calculated to advance it. Gentlemen may talk about who is and who is not loyal, and all that sort of thing. I do not boast of my loyalty; but my constituents know it. It does seem to me, I say, that this apportionment is so unjust, so contrary to the principles of representative government, that there must have been a design in it. Here are four counties thrown into one District, and allowed two Senators. Whereas, you could have thrown two counties into a district, and so have had two districts, and secured to the people of those counties a fair representation.

Then as to the qualification required of members of the Senate and House of Representatives. They need have resided within their district only ten days. The requirements are such, too, that the whole six Representatives and two Senators of my own District may reside in the town of Napoleon, and still represent the entire District. What is the principle of representation, unless it be that counties and districts shall be represented by men residing within their limits, who will know the local wants and interests, and represent those wants and interests in the Legislature?

The Sixth Section of the Schedule, I consider to be contrary to the Law under which we are acting,—in this respect. Any man can see, who will read that Law, that the Provisional Government is under the control of the Federal Government, and is to remain in action until this State is legally admitted into the Union. I conceive, then, that this whole scheme is nothing more nor less than a revolutionary movement, to oust the present Provisional Government and establish a negro oligarchy.

For these reasons, and for various others, I shall vote No.

Mr. RAWLINGS (when his name was called) said: I have objections to the Constitution presented; but believing it to be the best we can obtain under the circumstances, I vote Aye. [Applause.]

Mr. RAWLINGS subsequently sent to the SECRETARY's desk the following explanation of his vote; which he asked to have spread upon the Journal:

I am opposed to the extension of the disfranchisement beyond the classes disfranchised by the "Reconstruction Acts," believing this Constitution has no power to make such extension: also, to more than three Supreme judges, believing that number sufficient to transact the business of the Supreme Court.

N. N. RAWLINGS.

Mr. RECTOR (when his name was called) said: I am not well satisfied with the Constitution in all respects. The disfranchisement clause is not strong enough for me. Looking upon the merits of the instrument as a whole, however, I vote Aye.

[Mr. REYNOLDS, before the vote was announced, appended his name to the explanation filed by Mr. GANTT, and which was spread upon the Journal.]

Mr. ROUNSAVILLE (when his name was called) said: I have nothing to say upon the various subjects that have occupied the attention of this assembly. It had been my intention, upon reaching certain topics, to claim the attention of the Convention for a short time. But the business is far advanced; and I will simply give my reasons for excepting to certain parts of the proposed Constitution; or, rather, will note those parts of it to which I make exception.

I do not approve of the arrangements with respect to the Judiciary. I would greatly prefer three, instead of five, Judges of the Supreme Bench.

With the franchise, also, I am not satisfied, so far as regards two or three of the clauses on that subject. But as I have reduced to writing the objections which I make, I will leave the paper with the Secretary, asking that it may be spread upon the record, and will not now detain the Convention by stating my objections more particularly.

But, sir, I have to say of the vote that I cast for the Constitution, and, as regards the elective franchise,—more particularly of that clause which elevates the negro race to the privilege of the ballot,—that I am not ashamed of that vote. I am not ashamed of the principle which prompts it. I am not ashamed of it, for the reason given by my friends on the opposite side of the house. They have assigned, as a prominent reason for their opposition to the enfranchisement of the negro, that his race is not equal with our own. That, sir, is one of the prominent reasons in my mind for supporting the measure. If they are a weak race—which I admit,—not equal with us, and, indeed, incapable of ever being rendered our equals, I hold that to constitute one of the strongest reasons under heaven why we should give them the ballot. For the party opposed to the majority of this Convention have shown a disposition to withhold from the negro his rights. You need not tell me that under these circumstances the negro has no need of the ballot, for the protection of his rights—that I, who am strong, if you please, need the ballot, and he, who is weak, needs not its protection. I know better. I am told that because I favor affording to the negro the protection of the ballot, I am in favor of the social equality of the races. I challenge the world to show a single instance where an act or a word of mine has ever been to that effect. I have often said that the best policy for the two races would be a separation, and a colonization of the black race, for the reason that the black man is not equal to us or able to compete with us; and as such he would be better situated in a country of his own. I speak conscientiously, and, as I would anywhere else, express my sympathies, without restraint, on so momentous a question. I repeat, then, that the prominent reason given by the opponents of the proposed Constitution, against the disfranchisement of the negro, is my reason for his enfranchisement. That weakness, in conjunction with his past services, and with the efforts he has made to place our Government on a basis of something like durability, should, in my opinion, constitute a claim upon our attention and entitle him to all the protection which it is in our power to afford him. I do hope—I do hope—that instead of the bickering that has too much characterized the course of debate, here, as of action elsewhere, on the part of the two opposing parties, we will now let that pass by, and that as we go along we will learn more of one another, learn to think better of each other, and learn to admire, with cordial unanimity, that Government which, as I believe, has been the best government on earth. I vote Aye.

Mr. ROUNSAVILLE subsequently sent to the SECRETARY's desk the following explanation of his vote, which he asked to have spread upon the Journal:

I am in favor of three Justices of the Supreme Court, instead of five. I am also opposed to disfranchising any person but those who were disfranchised by Congress, and those who are disfranchised in other States and come here.

I am opposed to any other party than that instituted by the General Government.

I am in favor of striking Section Eight (8) out of the Article on Franchise.

I am in favor of levying a poll-tax.

ROUNSAVILLE, of Yell.

Mr. SAMS, in explanation of his vote, sent to the SECRETARY's desk the following paper; which he asked to have spread upon the Journal:

I vote for the Constitution as a whole, but explain said vote as follows, to wit:

I am opposed to Section 25 in Article Six, believing the General Assembly should consider the interest of the State in preference to the promotion of individuals. Also Section 3, Article 7, believing the Supreme Judges sufficient to transact the business in the Supreme Court for many years to come.

I am also opposed to the proposed apportionment, believing each county should be allowed at least one member in the House of Representatives, and in case of excesses, then a member at large, for the Senatorial district in which such excesses exist, should be chosen.

SAMS, of Madison.

Mr. SARBER (when his name was called) said: In voting for this Constitution I do not deem it necessary to either apologize or explain my vote. I was sent here to frame a Constitution that would guarantee equal rights to all loyal, law-abiding citizens; and although I might say that in some of its details it is not all my fancy wished it, yet I would be loath to arrogate to myself the privilege of setting my *ipse dixit,* or my personal, preferences, against the wisdom and judgment of the members of the various committees, believing they were actuated by patriotism, and a sincere desire for the well-being and prosperity of the State: and, honestly believing that in casting my vote for this Constitution I am voting peace, harmony, and prosperity, for our bankrupt State and impoverished people, and that I am conscientiously fulfilling the trust confided to me by my constituents as far as I can do, I do not hesitate to record my vote Aye.

Mr. SCOTT (when his name was called) said: I vote Aye. I entertain a slight objection, a statement of which I send to the desk.

Mr. SCOTT sent to the SECRETARY'S desk the following explanation of his vote; which he asked to have spread upon the Journal:

> I am opposed to the suffrage clause in so far as it goes beyond the Reconstruction Act; but as a whole, I vote Yea.
>
> SCOTT.

Mr. SHOPPACH (when his name was called) said: I vote No; and wish my explanation to be placed upon the Journal.

Mr. SHOPPACH sent to the SECRETARY'S desk the following explanation of his vote:

> I vote Nay, for this reason, with many others, viz.: This Constitution proposes to disfranchise a large portion of the citizens of the State, and enfranchise a class who are not recognized as citizens by the Constitution of the United States.
>
> JAS. H. SHOPPACH, of Saline County.

Mr. SIMS (when his name was called) sent to the SECRETARY'S desk the following explanation of his vote; which he asked to have spread upon the Journal:

> I vote Yea. Like many other gentlemen here, I had certain views of my own regarding the various parts of this Constitution. Of course it does not in every respect agree with my fancies or prejudices; but, taking it as a whole, I believe it will compare generally with the organic law of any of the other States, and I know it is a better Constitution than ever this State had before. Regarding the Judiciary I would say that, as it is provided that the Supreme Court shall be held at four places in the State, I was of the opinion that five judges were not more than the increased labor required. In the matter of franchise, I favored the doctrine commonly known as "universal suffrage and universal amnesty;" but, after an examination of all the circumstances, I

believe the Constitution presented confers the right of suffrage on all to whom it would be safe to give it.

In conclusion, I would say that I feel assured that my constituents, both white and black, will approve of my action here as a delegate to this Convention.

SIMS, of Desha County.

Mr. SMITH (when his name was called) said: I, too, might urge some objections to the Constitution. It does not, in all its details, exactly meet my views. But yet, inasmuch as it is so much better than anything that we ever had in the State, and inasmuch as it rests upon the broad basis of the rights of all men, I vote Aye.

Mr. SNYDER (when his name was called) said: I feel under no necessity of explaining my vote. I would say, however, that if my individual preferences were alone to be consulted, I might object to some of the details of the Constitution. But as I believe it to be the result of the combined labors of earnest, honest, and patriotic men, and superior to, and far in advance of, anything with which the people of this State have ever been blessed, I shall not only vote for it, but I shall endeavor to contribute my humble efforts toward giving it vitality and permanency, as the organic law of this State. It has been denounced, by gentlemen here, as a "damnable instrument of oppression," and gentlemen have desired to record their votes against it, upon that ground. If I thought this, sir, I should be far from giving the Constitution my approval. For I well remember the galling effects of an instrument promulgated from this hall in '61, which was thrust upon me, and upon the loyal people of this State, with bayonets,—without our ever having been consulted, at the ballot-box, as to whether we would or would not be governed by it: and in connection with that bastard instrument, a despotism was established here, in our midst, subverting by force of arms all lawful authority,—which caused patriotism and humanity to pale and tremble, our wives and children to hide in terror, and decency and love of liberty to seek the mountain gorges for safety. With this dark and bloody tyranny yet fresh in my memory, I could not, and would not, vote for an instrument which I conceived to partake, in the least degree, of the character which gentlemen on the other side of the hall have attributed to the Constitution now before us. I believe, sir, that all who know me will accord to me a spirit of charity and kindness for my fellow-mortals; and I desire the proscription or oppression of no man. But there is a point beyond which forbearance ceases to be a virtue; and as Scripture has been freely quoted upon this floor, I would say that men should not always "cast their pearls before swine."

Mr. BRADLEY. I arise in defence of the Scripture. That is not a Scriptural quotation. [Laughter.]

Mr. SNYDER. I have not violated the sense of the Scripture; my quotation is sound.

Mr. BRADLEY. "Give not that which is holy unto the dogs, neither cast ye your pearls before swine."

Mr. SNYDER. I do not wish to be disturbed in my short explanation. It has been said that gentlemen should be ashamed to vote for negro suffrage. I would say that, upon the floor of this hall, in 1865, I moved the adoption of a resolution for the ratification of the Constitutional Amendment declaring the black man free. At that time I was hissed, and twitted, from that lobby and gallery, with the remark, that I would see the day when I and my posterity would blush for the act I had that day performed. But I thank God I have not yet had cause to be ashamed of that act. On the contrary, I feel proud that I then contributed my humble aid to the cause of humanity. I know gentlemen will cry out, "Shame!" But, sir, let them cry; the spirit of progress is abroad in the world; and men who ride in the car of conservatism, will, in future years, be the ones whose cheeks will burn with shame, when they see themselves and their barbarous theories demolished by the mighty tide of enlightened sentiment which is now sweeping down from the luminous heights of civilization.

MEMBERS [*in their seats.*] Time is up.

Mr. SNYDER. I will say, Mr. President, that gentlemen here have labored honestly and patriotically, so far as I know, and have had the good of the State and of the people at heart, in what they have done; and I believe there is a principle of justice pervading the Constitution, which will carry it on triumphantly, to success. I believe, sir, the people of this State will accept it, that they will adopt it, that it will become the organic law of the State of Arkansas. I vote Aye.

Mr. VAN HOOK (when his name was called) said: When, on the 18th of February, 1861, I deposited my ballot against secession, I thought that the noblest deed of my life. I have looked back to that day with pride, ever since. During four years of darkness and strife, I perilled my life and lost my fortune in vindication of the old flag—hunted down, and threatened with annihilation because I was a Union man. I was elected to this Convention as a Union man; and came up to make a constitution acceptable to the people, such a one as they and I could reflect on with satisfaction, hereafter. I am sorry—I do regret—to say, that I honestly differ from those who regard this Constitution as protecting the interests of the people. With all due deference to the opinions of others, I must say it does appear to me that the interests of the masses have been ignored in some respects. With much regret, I vote No. [Applause on the left.]

Mr. WALKER (when his name was called) said: Were I to enumerate all the objectionable features in that instrument, I should consume all the rest of the night—it is already too far spent. I do not feel that any explanation of my vote is necessary—not, at least, to this body. My constituents will demand no explanation from me, why I voted against that Constitution; for I consider it such a thing as no respectable white man could vote for. I shall therefore vote No. [Applause on the left.]

[Mr. WALKER subsequently appended his name to the explanation filed by Mr. GANTT, and which was spread upon the Journal.]

Mr. WILSON (when his name was called) said: In the course of the debates and discussions of the Convention, the Sacred Book has been frequently referred to. My mind has been directed to a matter of history there recorded, in the story of the children of Israel, passing out of their Egyptian bondage, and crossing the Red Sea, and singing the song of triumphant thanksgiving to their Great Deliverer. But, as we go on with them a little further, a dark picture presents itself. Moses had an Ethiopian along with him; and his sister Miriam murmured, and made a great fuss about it; and unfortunately for that poor woman, so nice-tasted, who couldn't bear a darkey in the camp, she was smitten with leprosy. [Laughter.] Moses had to pray to God, and the leprosy was healed.

We have just passed through a sea of blood, that flowed from Sharpsburg to Arizona; and when Lee and Johnson and Smith surrendered their swords, we, and all the Union men of the country, were ready to sing, politically, the song of triumph and thanksgiving that was raised by the children of Israel over their deliverance. We marched off, expecting quickly and honorably to find again our place under the stars and stripes. But there is a murmuring in the camp—there is a darkey along! [Laughter.] Gentlemen, I was elected to this position by the negroes; and I came here promising them, and the white people, that the darkeys should have their vote, if I could help get it for them in the Constitution. I am not afraid of the leprosy, myself; but I am afraid *some* persons will have to have the leprosy healed on them, yet. [Renewed laughter.]

I believe I am the most humble man here, except one or two. I came here with extremely honest purposes, to effect some good for my country, and to get a constitution republican in form, and in the hopes that we might pass over Jordan. But it is a hard road to travel, to get into the Promised Land. [Laughter.] Gentlemen, we are not yet over. I agree with my friend from Ashley [Mr. NORMAN], that if it had not been for the negro, we would have been the most beautifully reconstructed State that could be desired. It is also true that but for the negro we would never have been *de*-structed. [Laughter and applause.] The blacks were sunk in seemingly hopeless slavery. They had to be plucked up. They are plucked up; and thank God for it! It was the negro that brought a bloody war among us,—that brought us, and has kept us, in this disorganized condition. And I, for one, have not been willing to grumble about Moses' Ethiopian wife.

But I have now to say that there are objectionable features in the Constitution which has been submitted—that I cannot but regard it as objectionable in the main. The objections which I would have raised have already been raised by others. But the Schedule I cannot subscribe to, from the fact that, in my opinion, every man who is to vote at the election of next March, as in this Schedule proposed to be held for members of the Legislature, has to vote in direct violation of the oath administered to every man who registered and cast his vote for reconstruction, or this Convention. All such men are sworn to support the Constitution of the United States, to obey the laws, and to encourage others so to do, to the best of their ability, "so help them God;" and, in my judgment, the conditions imposed upon voters in the coming election, are in direct violation of the law.

Mr. MOORE [*in his seat.*] You are right.

Mr. BRASHEAR [*in his seat.*] Come to time!

Mr. WILSON. Is the time out?—I vote No. [Applause on the left.]

Mr. WHITE (when his name was called) said: I vote Aye, for this reason. My race having waited with patience, and endured the afflictions of slavery of the most inhuman kind, for two hundred and fifty years, to-day I find a majority of a Constitutional Convention, that is willing to confer upon me what God intended that I should have. I contend, friends, that the elective franchise is a God-given right, which comes to every man born into the world—be he black or white, green or gray, little or big, it is his right. I desire the elective franchise for another reason. The colored people of these Southern States have cast their lot with the Government, with the great Republican Party that succeeded in putting down the rebellion. They cast their lot with that party, fought with that party, and died with that party; and they have, in consequence, incurred the hatred of the entire Southern people, the Union men excepted. So the ballot is our only means of protection, friends. If you have brought us thus far, if you have brought our wives and families thus far, will you stop here? We are between the upper and lower millstone, and shall be crushed by the prejudice that we perceive exhibited in this hall. I remember that the gentleman from Bradley County [Mr. BRADLEY] said, in this hall, "as loud as seven thunders," almost, that he was willing the negro should be tried by a jury of his peers. And I hear him say, to-night, he is not willing that the negro shall have any rights! How are we to live, unless we are to have a power that will shove base men from the offices of the State? I thank God, to-day, that I may cast my vote with a Convention willing to accord equal rights to all.

As regards the franchise, I am exceedingly gratified to see the position that has been taken. Sir, I have been studying the question, and I knew there were a set of men, in this country, that ought to have their heads cut off. And from this night, the man that opposes reconstruction is politically dead forever! [Applause.]

These are the great reasons why I vote for the Constitution. Another reason why I shall vote, and why if I had ten thousand votes I would give them all for the Constitution, is, that I see in it a principle that is intended to elevate our families—the principle of schools—of education. That is the only way that these Southern people can be elevated. Were they properly educated they would not be led, from prejudice, to oppress other men. Were they educated, they would not hate us because we have been slaves; but, like these gentlemen, if they would puzzle their brains and risk their lives upon the battle-field, for the Union, they would stand up for our rights. Away with Union men that will not give all men their rights! Talk about friendship! Hell is full of such friendship! The Devil has such friends locked up, and hell is full of them!——

Mr. DUVALL. I call the gentleman to time.

Mr. WHITE. I vote Aye.

Mr. BRADLEY here rose to a question of privilege, but was ruled out of order.

Mr. WILLIAMS (when his name was called) said: With many more, I vote for the first republican Constitution ever framed in this State, that the people have had an opportunity to vote upon. I vote Aye.

Mr. WRIGHT (when his name was called) said: I suppose it will be unnecessary for me to make an explanation. I have been quite silent during the session. I look upon that Constitution, however, as being revolutionary in its character, destructive of the State of Arkansas, and calculated only to subserve political ends. I shall vote No.

[Mr. WRIGHT subsequently appended his name to the explanation filed by Mr. GANTT, and which was spread upon the Journal.]

Mr. WYATT (when his name was called) said: Some gentlemen say no decent man will vote for that Constitution. I am as decent a man as there is here. I think no decent man will vote against it. I vote Aye.

Before the vote was announced,

Mr. BELL said: I made no explanation. I now wish to hand mine in.

Mr. BELL accordingly sent to the SECRETARY's desk the following explanation of his vote; which he asked to have spread upon the Journal:

Mr. PRESIDENT: As explanations are in order, I offer the following:

I regard this Constitution as a compromise. I am of opinion that there is not a member of this Convention who would not make some change or alteration in this Constitution if he had the power to do so. I would, myself, prefer some changes, but being unable to make them, and believing that other members have conceded as much as myself, and believing that this Constitution, in whole, is such as the good people of Arkansas can live, flourish, and prosper under, I vote Yea.

MOSES BELL.

Mr. GANTT. Mr. WRIGHT desires that his name be appended to the explanation which I give of my vote. Also, Mr. REYNOLDS.

Mr. WALKER. Please put my name there, also.

Mr. HINKLE. I was stopped a minute before my time was out. Would you permit me to add a word? [Cries of "Leave," and of "No."]

Mr. BROOKS. I ask that the gentleman may have leave to present the remarks in writing.

The PRESIDENT. There will be no objection to the gentleman [Mr. HINKLE] placing in writing any remarks which he may desire to submit, and taking time to place them in form, if that will be agreeable to him.

[The written explanation of Mr. HINKLE, subsequently submitted, is appended to the report of his verbal explanation, on page 670.]

The vote was then announced as above,

The PRESIDENT stating: The Ayes have it. The Constitution, its Schedule, and Ordinance, are adopted.

[The announcement of the result of the vote was received with loud applause upon the floor, and vehement and prolonged expressions of approbation from the spectators in the lobbies and galleries.]

[Mr. KYLE endeavored to obtain the floor, for the purpose of moving an adjournment.]

Mr. BROOKS obtained the floor, and said: I move that the vote by which the Convention has adopted the Constitution, its Schedule, and Ordinance, be reconsidered; and move that that motion lie upon the table.

Mr. MOORE asked for the yeas and nays.

Mr. BROOKS. I have no objection.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative,—Yeas 46, Nays 20, as follows:

YEAS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Poole, Priddy, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, Van Hook, Wilson, White, Williams, Wyatt, and the President—46.

NAYS: Messrs. Adams, Beasley, Bradley, Corbell, Cypert, Duvall, Gantt, Hicks, Hinkle, Hoge, Matthews, McCown, Moore, Norman, Portis, Puntney, Reynolds, Shoppach, Walker, and Wright—20.

ABSENT AND NOT VOTING: Messrs. Allen, Gray of Woodruff, Hodges of Crittenden,* Hollis,† Kelly, Merrick, Owen, Pickett, and Ratcliffe.

So the motion to reconsider the vote whereby the Constitution, its Schedule and Ordinance, were adopted, was laid upon the table.

Pending the call of the roll:

Mr. MOORE said: I move a call of the house.

The PRESIDENT. There is evidently a quorum present.

Mr. VAN HOOK (when his name was called) said: I vote Aye; because I think that by our reconsidering the vote we may be able to knock off, from the Constitution as presented, some excrescences, and I may thus have an opportunity to vote for its adoption.

The vote was then announced as above.

Mr. HINDS. I move that seventy-five thousand copies of the Constitution be printed, for the use of the Convention.

The question was taken; and the motion was agreed to.

Mr. CYPERT remarked: I have had a little experience in revolutionary movements. Six years ago, I heard just such a clamor, from those galleries, as I heard awhile ago. It shocked me then—it shocks me now.

Mr. BROOKS. I am sorry for the gentleman's nerves; but I think he will feel better, pretty shortly. [Laughter.]

Mr. SARBER. I move that the Convention now adjourn to eleven o'clock.

Mr. COATES. I move to amend, by substituting three o'clock, of the afternoon.

The amendment was accepted, and,

The question being taken, the motion was agreed to;

And thereupon at 1.40, A.M., of Tuesday, February 11th, the Convention adjourned to 3, P.M., of the same day.

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* Excused. † Sick.

TWENTY-EIGHTH DAY.

TUESDAY, *February 11th*, 1868.

Convention met, pursuant to adjournment, at 3, P.M.

Prayer was offered by the Chaplain.

The roll was called; and a quorum of the members of the Convention answered to their names.

EXPENSES OF THE CONVENTION—PAY OF MEMBERS AND OFFICERS—AGAIN.

The PRESIDENT. Before the Convention proceeds to business, the Chair desires to lay before it a communication, of some importance, received from Headquarters Fourth Military District.

The following communication was then read:

HEADQUARTERS FOURTH MILITARY DISTRICT,
(Mississippi and Arkansas)
VICKSBURG, MISSISSIPPI, February 1st, 1868.

HONORABLE THOMAS M. BOWEN,
President Arkansas Constitutional Convention, Little Rock, Arkansas,—

SIR: I am directed by the Brevet Major-General commanding the District to acknowledge the receipt of your communication of the 27th ult., with the enclosures therein enumerated, from the hands of your messenger, Honorable Asa Hodges, and in reply thereto to say, that the Ordinances entitled "An Ordinance raising revenue for the purpose of defraying the expenses of the Constitutional Convention," and "An Ordinance providing for the per diem and mileage of the members, and the per diem of the officers of the Constitutional Convention of the State of Arkansas," are, in his opinion, in conformity with the Reconstruction Laws.

Referring to the Ordinance providing and making appropriation for the per diem and mileage of members of the Constitutional Convention, the General commanding District has to inform you that the Hon. Treasurer of the State has been instructed to pay accounts to the amount of fifty thousand dollars ($50,000.00), in the manner therein provided, from funds to be obtained by sale of United States bonds, now deposited to the credit of the State of Arkansas in the United States Treasury at Washington, D. C.

I am, sir,
Very respectfully,
Your obed't serv't,
JNO. TYLER,
Brevet Major U. S. A., Acting Assistant Adjutant General.

The PRESIDENT added: The Chair will state that the Merchants'

National Bank, of this City, proposes to advance, without any charge, two-thirds of the amount due to members, in money; and on the remaining one-third, will accept any orders which gentlemen may draw upon the Bank for the payment of any bills; so that, substantially, it will be the same as if the members received all the money at once. The Bank charges nothing, but will pay dollar for dollar, and will wait, for their money, until the proceeds of the bonds shall arrive here. It is simply a matter of accommodation; and the President of the Bank wishes it distinctly understood that no percentage will be charged.

After some inquiry, from Mr. HINKLE, which elicited, from the President, further explanation,

Mr. HODGES, of Pulaski, said: Appreciating our condition, a few of us have called upon the President of the Bank [Mr. ALEXANDER McDONALD], asking if he could not do something for us. He knows how much money he has on hand and can spare, and to what extent he is willing to accommodate us; and he has informed us that he is willing to pay an advance of two-thirds, out of the funds of the Bank, and wait, for the pay, until the proceeds of the bonds sold shall arrive here. It would not be convenient to the Bank to advance, from its own funds, at the present time, more than two-thirds of the amount due each one of us.

Mr. HICKS. What about the expenses of the Convention?

The PRESIDENT. The Chair does not understand that the Bank proposes to pay the expenses of the Convention.

After further explanation, from Mr. HODGES, of Pulaski,

Mr. CYPERT said: I understand, fully, the nature of the accommodation offered; and I appreciate it. I understand that the money is not here; and the Banker proposes, for the purpose of accommodating the members of the Convention, to advance them, upon their certificates, two-thirds of the amount for which the certificates call, and will assume, to the extent of the remaining one-third, any bills due, from members, in the City.

The PRESIDENT further illustrated the nature of the accommodation offered, when

Mr. CYPERT said: I propose that each member who has drawn his certificate, furnish it to the Secretary, and let it be so modified that drafts may be drawn in the manner indicated by the banker—two-thirds and one-third.

The PRESIDENT. That is, in the opinion of the Chair, the proper course.

Mr. HODGES, of Pulaski. I was just now talking with the Auditor; and he says he cannot himself divide the certificate, but if the Secretary will issue them in the way suggested by the gentleman from White [Mr. CYPERT], he will issue his warrant, and the Treasurer will endorse the warrants in the manner requisite to enable members to obtain the accommodation offered.

The PRESIDENT. An additional reason exists for some such arrangement. Many members have drawn their certificates to include to-day only, and the Convention will, as the Chair understands, scarcely adjourn to-day.

Mr. CYPERT. The certificates are filled for to-morrow.

The PRESIDENT. The Convention may possibly not adjourn until to-morrow. Does the gentleman [Mr. CYPERT] make his proposition a motion, in order to take the sense of the Convention?

Mr. CYPERT. Yes, sir.

The question was taken; and the motion was agreed to.

Mr. CYPERT. I will now move, further, that we tender the thanks of the Convention to the President of the Bank, for his courtesy and kindness in this matter.

The question was taken; and the motion was unanimously agreed to.

Mr. HUTCHINSON moved that a committee of three be appointed to communicate to the President of the Bank the vote of thanks passed by the Convention.

The question was taken; and the motion was unanimously agreed to.

The PRESIDENT announced, as such Committee, Messrs. HUTCHINSON, CYPERT, and DALE.

The PRESIDENT. Gentlemen who now have certificates, will hand them in to the SECRETARY; and as they are handed in, the minute of their issue will be cancelled, and a new issue of certificates made, in accordance with the action of the Convention.

Mr. CYPERT called attention to the case of a gentleman who had, upon certificate drawn, advanced, to a Member, who had left the Convention, the full amount due; and requested that the certificate might remain unchanged, and the gentleman be allowed to draw the full amount which he had advanced.

The PRESIDENT. If there is no objection, that course may be pursued.

Mr. GANTT. Will the Bank check on New York for the full amount?

The PRESIDENT. The probability is that the Banker would make an arrangement of that kind.

Mr. GANTT. I prefer taking a certificate in whole, because I cannot use it, with the Sheriff, in paying taxes.

The PRESIDENT. For those who do not desire to carry the money in their pockets, the Chair understands that the Bank is prepared to give drafts on New York, as also on New Orleans, and Fort Smith. That will be optional. Members can have the cash, or checks on banks at those places.

The Chair will now state that the SECRETARIES have not yet had time to write up the Journal; and the SECRETARY desires, as a privilege, a little more time. The SECRETARIES have, thus far, since the adjournment of this morning, been engaged in completing the record, and now ask till tomorrow morning, to finish it. A number of matters probably remain to be closed up, by the Convention.

BOUNDARIES OF LITTLE RIVER COUNTY—AGAIN.

Mr. SIMS, by consent, offered the following

ORDINANCE:

Be it Ordained by the Constitutional Convention of the State of Arkansas:

1st. That Little River County be, and the same is hereby, attached to the Sixth Judicial Circuit of this State.

2d. That Rocky Comfort be, and the same is hereby, declared the county-seat of said County. This Ordinance to remain in, and have, full force and effect, until otherwise directed by the General Assembly of this State.

Which was read the first time.

[The proposition being taken, by a misunderstanding, to be in the form of a resolution, the question was submitted in that form, and the resolution was declared adopted.

Mr. BROOKS calling the attention of the Chair to the fact that the proposition was submitted in the form of an ordinance, and the Ordinance being read by the SECRETARY,]

Mr. BROOKS expressed the hope that the Convention would be enabled to proceed, quietly and steadily, to the task of rounding up its business, without the haste and excitement often incident to the close of the session of a deliberative body.

The PRESIDENT. It appearing that the proposition of the gentleman from Little River [Mr. SCOTT], was submitted as an ordinance, and not as a resolution, as was understood upon its reading, the Ordinance has now been read a first time. For the facilitation of business, it will be read a second time, unless there shall be objection.

No objection being made,

The Ordinance was read a second time.

Mr. BROOKS moved that the rules be suspended, that the Ordinance receive a third reading, and be placed upon its final passage.

The question was taken; and the motion was agreed to.

The Ordinance was accordingly read a third time; and, the question being upon its final passage,

Mr. HICKS moved that the Ordinance be amended, by striking out so much as related to the selection of Rocky Comfort as the county-seat.

The motion not being seconded,

The question was taken; and it was decided in the affirmative,—Yeas 51, Nays 7, as follows:

YEAS: Messrs. Beasley, Belden, Bell, Bradley, Brashear, Brooks, Coates, Corbell, Dale, Evans, Exon, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hinds, Hollis, Hodges of Crittenden, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Oliver, Priddy, Puntney, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Scott, Sims, Smith, Snyder, Van Hook, Wilson, White, Williams, Wyatt, and the President—51.

NAYS: Messrs. Adams, Cypert, Duvall, Hicks, Reynolds, Shoppach, and Wright—7.

So the Ordinance was passed.

Pending the call:

Mr. BROOKS asked: Is there a quorum present?

Mr. VAN HOOK. The members are here, but are not voting.

Mr. MONTGOMERY. I move a call of the house.

The PRESIDENT. It is apparent that a quorum is present. The Chair is inclined to the opinion that under those circumstances, while a vote is being taken, a call of the house is not in order.

Mr. MONTGOMERY contended that a call of the house was in order at any time; but he not insisting upon his motion,

The vote was announced as above.

MESSENGER OF THE CONVENTION—AGAIN.

No petitions, or reports of Committees, being presented, and Motions, resolutions, and notices, being in order,

Mr. CYPERT offered the following resolution:

Resolved: That ASA HODGES be allowed twenty cents per mile for his travelling expenses as messenger for this Convention to Vicksburg.

The question was taken; and the resolution was agreed to.

PER DIEM OF DELEGATE FROM IZARD COUNTY.

Mr. MASON offered the following resolution:

Whereas: W. W. ADAMS, a member of this Convention from Izard County, was led to believe, from the publication of the names of the delegates in the Arkansas Republican, that said election was decided against him, and his opponent, Mr. TONEY, was also led to believe that he was the member elect from said County, and that said ADAMS did not receive notice of his election until the 20th of January, and that his wife was so sick that he did not feel safe to leave her, so that he could get here at an earlier day than the 8th instant:

Therefore, Resolved: That W. W. ADAMS be allowed his per diem the same as other members of this Convention.

Mr. McCLURE objected. He said the Convention had ordered that members not present in their seats at the roll-call of any day, should not receive their pay for that day. He protested against a member making his appearance in the Convention one day before the vote upon the Constitution, and claiming his full pay. It was an outrage; and the man who penned the resolution knew better than to do it.

The PRESIDENT. There is a resolution of the Convention, providing that members absent without leave shall not be entitled to mileage.

Mr. CYPERT. Unless excused on account of sickness.

The PRESIDENT. Yes, sir.

Mr. CYPERT said he understood that to be the case in this instance, and had made the suggestion in order to find what were the feelings of the members generally. It would be remembered that a publication in the "Republican" had led Mr. TONEY to believe himself a member of the Convention: he came, and was allowed his mileage. The same publication misled Mr. ADAMS; and he failed to learn of the fact that he was assigned a seat, until about January 20th; after which time, by reason of his wife's sickness, he was unable to leave his home earlier than he did. It was thus by no fault of his that he did not appear earlier. No objection had been offered to the award of mileage to Mr. TONEY, who came to the Convention through the same error, and by no fault of his. Mr. ADAMS did not know, until the return of Mr. TONEY, of the fact of his own title to the seat.

The PRESIDENT stated that, under the order of the Convention, an expression of the sense of the Convention, as to the sufficiency of Mr. ADAMS' excuse for absence, would be requisite.

Mr. HUTCHINSON moved, as an amendment to the resolution, that Mr. ADAMS be allowed per diem for such days as his name might appear upon the roll, and mileage the same as other members.

Mr. DALE expressed the opinion that both Mr. Toney and Mr. Adams had acted in perfect good faith, and suggested that each take his due proportion—one-half—of the pay for the time occupied by the session. He would therefore offer an amendment to the amendment, to the effect that one-half the per diem and mileage due a delegate from Izard County, be allowed to each.

The PRESIDENT. Mr. Toney's per diem has already been allowed him.

Mr. DALE. I have no objection to allowing Mr. Adams the same with Mr. Toney.

The PRESIDENT. The Chair then understands the gentleman's objection to relate only to the per diem.

Mr. DALE. Yes, sir. It is only fair that the two should divide it between them.

Mr. CYPERT suggested that under the rule fixed by the Convention, each gentleman was already entitled to pay for the time he had actually sat in the Convention, without any further resolution on the subject.

Mr. MONTGOMERY moved, as an amendment, that the name of Hon. Mr. Kelly be inserted in the resolution. Judge Kelly had himself been sick, and on that account unable to attend the Convention, and was not detained by the sickness of his wife. If Mr. Adams was to receive pay for time during which he was detained from the Convention by the sickness of his wife, Judge Kelly, whose name had been called, upon the rolls, every day, was surely as well entitled to compensation for time of absence occasioned by his own illness.

The question was taken upon the amendment inserting the name of Judge Kelly; and the amendment was not agreed to.

Mr. WILLIAMS moved that the whole subject be indefinitely postponed.

Before the motion was seconded,

Mr. McCLURE said he hoped the resolution would not be adopted. The majority would have enough to answer for on the stump, without voting the gentleman this amount of money. Why had not some of the gentleman's friends offered the proposition? The responsibility of such disregard of the people's interests, which would be shown by such a squandering of the public money, in thirty-five days' pay to a man who had not done a single dollar's worth of service, should be made to rest where it belonged.

Mr. WILSON moved that the resolution lie upon the table.

The question was taken; and the motion was agreed to.

IMPEACHMENT OF JUDGES HARRELL AND HARGROVE.

Mr. SNYDER offered the following resolution:

Whereas, a body of men, styling themselves the Legislature of Arkansas, assembled at the City of Little Rock, in the years A.D. 1866 and 1867, preferred charges against and attempted to impeach the Hon. ELIAS HARRELL, Judge of the Eighth Judicial Circuit, and also A. N. HARGROVE, Judge of the Ninth Judicial Circuit, of this State:

And whereas, it is believed that said charges are malicious, and founded in prejudice to loyalty:

Therefore, Resolved: That it is the sense of this Convention that the next General Assembly, upon its assembling and without delay, take measures to relieve said HARRELL and HARGROVE of the disabilities imposed by said charges.

Mr. BELL expressed the hope that the resolution would be adopted.

Mr. BROOKS. I should like to hear something about this case. I do not like to vote altogether blindly upon such matters. I hope the friends of the measure will give us a statement of their reasons for its introduction.

Mr. HINKLE. I have never heard a great deal about the matter; but I have probably learned enough to enable me to give the gentleman from Phillips [Mr. BROOKS] an idea of it. I am informed that the impeachment to which the resolution refers, arose from prejudice. The Judge to whom I more particularly refer, I know, from personal acquaintance, to be a loyal man. As my information leads me to believe, it was from that cause that he was impeached, and stands suspended from the functions of his office. I presume these are the facts that have given rise to the resolution.

Mr. SNYDER. I am not acquainted with the testimony elicited in connection with the cases referred to in the resolution; but I have good reason to believe that there was a great deal of malice connected with the prosecution against these gentlemen. And knowing them to be loyal men, and knowing that, ordinarily, prejudice does lie against that class of men, I am inclined to believe that the charges preferred could not be supported by testimony, and have not been. I am informed that one of the charges against these gentlemen was this: that they expelled from their juries, after those juries had been made up, certain gentlemen who had not taken the oath of allegiance to the United States Government, and who, certainly, under those circumstances, were not citizens of the United States, and were no more qualified to sit upon those juries than an individual from India. I have good reason to believe that there is prejudice at the bottom of these charges. And I have only asked, in this resolution, that the next General Assembly, without delay, and as early as may be, look into the matter, and discharge these men from the disabilities which have been imposed upon them by the Legislature. As a matter of course, if the General Assembly should find those charges well-founded, they would not object to the prosecution of them. We ask the passage of the resolution, simply with a view to urge the matter upon the attention of the next General Assembly; and we hope gentlemen will not hesitate to vote for its adoption, as there is nothing unfair in it.

Mr. BROOKS. I am content with the statement offered by the gentleman.

Mr. GANTT. The articles of impeachment against these Judges were preferred by the House of Representatives of the last General Assembly. At that time I was a member of that branch of the General Assembly which was charged, under the Constitution and laws of the State, with the trial of officers impeached. I think that it is going too far, to assert that the articles preferred against either of the two were the result of prejudice against them as loyal men, or on account of their political sentiments. Were it not true in point of fact, that, by the action of the General commanding this District, and the Executive of the State, that Legislature has been dissolved, and that there is no probability of its reassembling, I would not take this occasion to express my views with reference to the facts charged in these cases. I feel, however, that I violate no rule of propriety, and do not compromise myself, by saying what I believe to be the facts of the cases, and stating, now, what I am perfectly satisfied would have been my judgment as a Senator, if they had been put upon their trial. It is due, however, to that branch of the General Assembly which preferred the charges, to say that I do not believe, for one moment, that they were for an instant actuated by a prejudice against these gentlemen on account of their political sentiments. The judges in question were notoriously incompetent for the positions which they occupied, on account of their ignorance, on account of their destitution of legal information. They were regarded as common nuisances, upon the bench; and the course which was pursued was adopted in order to relieve the bench of incompetent men. I do not believe that the charges which were preferred against them would have been sustained——in other words—I might better qualify that expression,—I do not believe that if sustained, the charges would have amounted to cause of impeachment. The charges preferred involved simply a want of knowledge of the law; and, after having investigated, to some extent, the facts connected with the two cases, I am now satisfied that all the testimony which would have been introduced would not have changed my impression, or altered my conviction, that the head and front of their offending, was their superlative ignorance of law, and total incompetency to discharge the functions of the office of Circuit Judge. That, however, is not a crime; and, if that matter had come to me, acting as Senator, I should certainly not have voted for the conviction of those gentlemen on account of their ignorance of law, or their general ignorance. I do not believe, and I think it an injustice to the last General Assembly, to assert, that they were actuated by prejudice against these gentlemen, on account of political sentiments. It occurs to me that there is not a gentleman here, who knows either of these men, who will assert that they are now, or were ever, competent to discharge the duties of their office. They were unknown as lawyers, entirely ignorant of the law, and did not deserve places upon the bench. True, admitting all that, it did not justify their impeachment; and I do not suppose that, if their trials had taken place, they would have been removed. That there may not have been some personal prejudice, on the part of those who suggested the impeachment, I am not prepared to say. There were, in the case of Judge Hargrove, some very grave charges; but his answer fully convinced me, knowing as I did, the testimony offered, that his motive in the acts complained of was misconstrued.

The question was taken; and the motion was agreed to.

PER DIEM AND MILEAGE OF CONTESTANT FROM ASHLEY COUNTY.

Mr. HINDS. I had intended to call up the Reports of the Committee on the Ashley County Election case. At present, I will merely say that, by the Majority Report, it was recommended that the contestant be allowed mileage, and per diem, for the time during which he was engaged in contesting the seat. A resolution, however, was not offered so as to attain that end. I will now submit the following resolution:

Resolved: That Mr. HARBISON, contestant in the Ashley County case, be allowed mileage and per diem, as recommended by the Majority Report.

Mr. CYPERT moved that the resolution be laid on the table.

The question was taken, and the PRESIDENT declared that it appeared to have been decided in the negative; when

Mr. GANTT called for a division.
Mr. McCLURE. I would ask if the gentleman was here, at all.
Mr. HINDS. He was here all the time.

The question being taken, upon a division, the vote stood, Ayes 14, Noes 17,—not a quorum.
Mr. CYPERT asked for the yeas and nays.
The yeas and nays were ordered.

The question was taken; and it was decided in the negative,—Yeas 17, Nays 42, as follows:

YEAS: Messrs. Adams, Bradley, Corbell, Cypert, Duvall, Gray of Jefferson, Harrison, Hoge, Houghton, Mallory, Misner, Reynolds, Shoppach, Sims, Walker, Wilson, and Wright—17.

NAYS: Messrs. Belden, Bell, Brashear, Brooks, Coates, Dale, Evans, Exon, Gantt, Grey of Phillips, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hollis, Hodges of Crittenden, Hutchinson, Johnson, Kyle, Langley, Mason, Millsaps, Montgomery, Murphy, McClure, Owen, Portis, Priddy, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Smith, Snyder, Van Hook, White, Williams, Wyatt, and the President—42.

So the Convention refused to lay the resolution upon the table.

Pending the call of the roll:

Mr. BELL (when his name was called) asked to be excused from voting.

Objection being made,

Mr. BELL said he did not understand the question before the Convention.

The PRESIDENT stating the question,

Mr. BELL voted No.

Mr. GANTT (when his name was called) said: I desire to ask the Chairman of the Committee whether the Committee reported in favor of the allowance of Mr. Harbison. My recollection is not distinct, upon that point.

Mr. SARBER. The majority of the Committee, with the exception of one member, reported in favor of allowing the gentleman his mileage. The gentleman from Jefferson [Mr. MALLORY], however, did not concur in that part of the Report.

Mr. GANTT voted No.

Mr. NORMAN (when his name was called) said: On account of my personal connection with the case, I ask to be excused from voting.

No objection being made,

Mr. NORMAN was excused.

The vote was then announced as above.

The question recurring upon the adoption of the resolution,

Mr. KYLE said: I would inquire if the case under consideration is not the same with that respecting Izard County.

Mr. HINDS. It is precisely the same. Mr. Harbison was present, and endeavored, in good faith, to obtain his seat.

Mr. MALLORY asked to make an explanation. In his view, the cases were dissimilar. The claimant from Izard County was informed by the Registrar, the person who should know, that he was the elected candidate. He came with that understanding, and found that he was not entitled to his seat. Mr. Harbison came to Little Rock, knowing that he was defeated.

Mr. KYLE said that the rule, as he had always understood it, in regard to contestants, was, that where there is a reasonable ground for doubt as to the result of the election, mileage is allowed the contestant. He had never, however, known of a case where a contestant was allowed per diem. As regarded the mileage, he could not see, since it had been allowed the contestant from Izard, why it should not be given in this case.

Mr. CYPERT agreed with the gentleman from Jefferson [Mr. MALLORY], that the two cases were entirely dissimilar. In the Ashley County case, the contestant had no reasonable ground for believing himself elected. If he could be allowed mileage or per diem, any person who might have chosen to contest the seat of any member upon the floor could have come to Little Rock, and earned his money in the same way. The question, in this case, had been contested before the General commanding the District, and the decision there rendered was affirmed by both Reports of the Committee on Elections.

Mr. BROOKS moved to amend the resolution by striking out so much as related to the per diem.

The question was taken; and the amendment was agreed to.

Mr. BROOKS advocated the passage of the resolution as amended. The Convention had been decidedly liberal with regard to the gentlemen occupying seats from Ashley County; and if the Convention would recall the circumstances of the contest, it would be recollected that the question of title to the seat was not one wholly clear from cloud and fog. He did not wish to question the propriety of the humane conduct of the Convention, in allowing the honorable gentleman from Ashley per diem for the whole time of the session. But he had thought it wrong at the time, and thought so still. He hoped, under the circumstances, that no parsimoniousness would be exhibited toward a contestant whose claim certainly, in his opinion, was not without some reasonable ground.

Mr. SARBER asked to read the conclusion of the Majority Report of the Committee on Elections; which was as follows:

"While, therefore, there is no doubt in the minds of your Committee as to the truth of these general facts, and that the election for delegates in Ashley County was conducted in the lawless and reprehensible manner described, yet, in view of the time required, and the expense and difficulty of sending for additional witnesses and papers, they recommend that Messrs. NORMAN and MOORE be admitted to seats as delegates in this Convention, and the contestant, Mr. HARBISON, allowed mileage for his attendance; and beg to be discharged from the further consideration of this subject."

Mr. GANTT wished to say a word in explanation of his vote. He was a member of the Committee on Elections, and had submitted the Minority Report. That Report had not touched upon the question of per diem and mileage; but his recollection was, that, at the time, he was of opinion that mileage, at least, should be allowed. He was still of opinion that, under the circumstances, it would be proper that the contestant should be allowed his mileage.

The question was taken; and the motion was agreed to.

NOTICE OF ELECTION FOR RATIFICATION.

Mr. BROOKS. I desire that the paper which I now present be read; and that, if it meet the approval of the Convention, the Ordinance be allowed to pass at this session. I wish to explain, that I present the Ordinance without its having passed through a Committee. I should have presented it before a committee, had time allowed.

Mr. BROOKS then offered the following

ORDINANCE.

Be it Ordained and established: That the notice of the time of submitting the Constitution for Arkansas, framed and adopted by this Convention, for ratification, as required by the Act of Congress entitled "An Act for the more efficient government of the Rebel States," be given by the PRESIDENT of this Convention, countersigned by the SECRETARY, and published, as soon as practicable after the issue thereof, in all the newspapers in this State.

The Ordinance was read a first time.

Mr. HODGES, of Pulaski, moved that the rules be suspended, the Ordinance read a second and third time, and placed upon its final passage.

The question was taken; and the motion was agreed to.

The Ordinance was read a second and third time.

Mr. CYPERT. I desire to offer an amendment, by inserting a provision that a copy be furnished to all the newspapers of the State.

The question was taken; and the amendment was agreed to.

The question was then taken on the final passage of the Ordinance as amended; and it was decided in the affirmative,—Yeas 58, Nays 2, as follows:

YEAS: Messrs. Adams, Belden, Bell, Bradley, Brashear, Brooks, Coates, Corbell, Cypert, Dale, Duvall, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hollis, Hodges of Crittenden, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Kyle, Langley, Mallory, Mason, Misner, Montgomery, Murphy, McClure, McCown, Norman, Portis, Priddy, Ratcliffe, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Shoppach, Sims, Smith, Snyder, Van Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President—58.
NAYS: Messrs. Johnson and Oliver—2.

So the Ordinance was passed.

STATISTICS OF THE CONVENTION.

Mr. EVANS offered the following resolution:

Resolved: That each member of this Convention be requested to furnish the SECRETARY with his name, place of nativity, age, profession, county, and post-office address, in full, to be compiled by him, and published with the proceedings of this Convention.

Mr. CYPERT. I ask to amend by inserting,—"the length of time he has resided in this State."

The question was taken; and the amendment was agreed to.

Mr. MALLORY. I move to amend further, by providing that he also state how he came here. [Laughter.]
Mr. MONTGOMERY. By what right, or by what influence.
Mr. BROOKS. I move to amend the amendment to the amendment, by adding, that he state the object of his coming.
Mr. DUVALL [*in his seat.*] I would like to amend that, too!
Mr. WILSON [*in his seat.*] I wouldn't like to be cut quite that close!

The amendments were agreed to; and the question being taken, the resolution, as amended, was adopted.*

OFFICE OF POSTMASTER OF THE CONVENTION.

Mr. MONTGOMERY obtained the floor, when
Mr. LANGLEY expressed a desire to present a motion on the subject of female suffrage, and

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* NOTE.—The insufficiency of the data furnished by members, rendered impracticable the execution of a portion of this order.

Motions for adjournment were offered by Messrs. WILLIAMS and BROOKS,

All of which the PRESIDENT declared out of order, and

Mr. MONTGOMERY moved to reconsider the vote whereby the Convention had declared vacant the office of Postmaster.

The PRESIDENT. The gentleman cannot, under the rules, move a reconsideration, without previous notice.

Objection being made,

Mr. MONTGOMERY moved that the rules be suspended, in order that the motion for reconsideration might be presented.

The question was taken; and the PRESIDENT declared that it appeared to have been decided in the negative; when

Mr. McCOWN asked for the yeas and nays.

The yeas and nays were ordered.

Mr. MONTGOMERY. Before the motion is put, I desire to say one word. No reason whatever was assigned for the motion to vacate the office of Postmaster. The gentleman who occupied that position considers the vote as a reflection; and, desiring to do justice to all men, I am unwilling to do injustice, by reflecting, through my vote in this Convention, upon the character of any man. That is my only reason for moving this reconsideration.

The question was taken; and it was decided in the negative,—Yeas 20, Nays 42, as follows:

YEAS: Messrs. Belden, Coates, Exon, Hawkins, Hinds, Hinkle, Houghton, Johnson, Kyle, Langley, Montgomery, McCown, Oliver, Rawlings, Rounsaville, Sams, Sarber, Snyder, Williams, and the President—20.

NAYS: Messrs. Adams, Bell, Bradley, Brashear, Brooks, Corbell, Cypert, Dale, Duvall, Evans, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hicks, Hollis, Hodges of Crittenden, Hodges of Pulaski, Hoge, Hutchinson, Mallory, Mason, Misner, Millsaps, Murphy, McClure, Moore, Norman, Portis, Priddy, Rector, Reynolds, Samuels, Shoppach, Sims, Smith, Van Hook, Walker, Wilson, White, Wright, and Wyatt—42.

So the Convention refused to suspend the rules.

APPOINTMENT OF VICE-PRESIDENTS OF THE CONVENTION.

Mr. HUTCHINSON offered the following resolution:

Resolved: That it is the sense of this Convention that J. L. HODGES, JOHN McCLURE, JOSEPH BROOKS, O. P. SNYDER, GEORGE S. SCOTT, and WALTER W. BRASHEAR, be made VICE-PRESIDENTS of this Convention; whose duty it shall be, in case of the PRESIDENT'S absence, or inability to perform the duties of his office, to have all the power of, and discharge all the duties incumbent upon, the PRESIDENT. *Provided*, That they shall take precedence, in the discharge of those duties, in the order in which their names are here inserted.

The question was taken; and the resolution was adopted.

CODIFICATION OF STATUTES, AND CODE OF PRACTICE.

Mr. BROOKS offered the following resolution:

Resolved: That the Boards to digest and arrange the laws, and to arrange a code of practice, as provided in the Constitution, be appointed by the PRESIDENT of the Convention.

The question was taken; and the resolution was adopted.

FEMALE SUFFRAGE.

Mr. LANGLEY desired to move an addition to Article I of the Constitution.

The PRESIDENT. The motion is out of order.

A MEMBER [*in his seat.*] Let it be read, any way.

Mr. GANTT. I ask that it be read.

The SECRETARY read the motion, as follows:

That the following section be inserted in the First Article of the Constitution, viz.:

All citizens, twenty-one years of age, who can read and write the English language, shall be eligible to the elective franchise, and entitled to equal political rights and privileges.

Mr. HODGES, of Pulaski. Understanding that the gentleman from Clark [Mr. LANGLEY] wishes to discuss the merits of the question, I certainly think we ought not to have any objection to hearing whatever may be said in favor of the motion; and in order to open a discussion, I move the adoption of the proposed clause.

Mr. KYLE. That proceeding is entirely out of order.

Mr. LANGLEY. I claim that it is in order. And I will ask that in any remarks I may make on the subject, I may not be disturbed. I wish to say, in advance, that I have been shot through a lung, and cannot speak without some difficulty. I am not an orator.——

PUBLIC PRINTING—AGAIN.

Mr. KYLE. I have a motion to submit, that *is* in order, when that question shall be disposed of——

Mr. LANGLEY. I will wait my time. When I went to mill, I was always willing to wait my time.

Mr. KYLE. I have no objection, at all, to hearing the gentleman's speech; but I have a matter, which is in order, that I desire to bring before the Convention. A few days ago, I gave notice of a motion to reconsider the vote by which the Ordinance was passed, taking the State printing from the parties to whom it was awarded by the last Legislature.——

Mr. GANTT. I rise to a point of order. The gentleman is discussing a measure that is not before the Convention. The proposition of the gentleman from Clark [Mr. LANGLEY] is before the Convention; and the gentleman [Mr. KYLE] is discussing a proposition which he is *going* to introduce, himself.

Mr. KYLE. I wish to call up the motion for reconsideration, of which I gave notice.

The PRESIDENT. When did the gentleman give that notice?

Mr. KYLE. A few days ago.

The PRESIDENT. The Chair understands that in that case it was necessary that the motion be presented on the following day.

Mr. KYLE. It does not matter with me; I only wish to set myself right in that respect. [Cries of "Leave."]

Mr. HODGES, of Pulaski, assured the gentleman from Dallas [Mr. KYLE], that as soon as the proposition of the gentleman from Clark [Mr. LANGLEY], should be disposed of, universal consent would be given that his motion should be taken up.

FEMALE SUFFRAGE—AGAIN.

The PRESIDENT. Will that be satisfactory to the gentleman from Dallas? There seems to be a general disposition to hear the remarks of the gentleman from Clark. [Calls for Mr. LANGLEY.]

Mr. GANTT. I move to refer the proposition of the gentleman from Clark, to Mrs. LUCY STONE.

Mr. CYPERT [*in his seat.*] That motion cuts off debate.

Mr. MONTGOMERY claimed that, after the action of the Convention, the motion was out of order.

Mr. HINKLE rose to a point of order. The gentleman from Clark had not yielded the floor.

Mr. SARBER moved that the Convention adjourn till 10, A.M., of the morrow.

Mr. BROOKS hoped the gentleman [Mr. SARBER] would permit him a word. He trusted the Convention would extend to the gentleman from Clark an opportunity to express his views upon this subject. If the proposition was technically out of order, it could still, by general consent, be entertained.

Mr. MONTGOMERY interrupted Mr. BROOKS, and claimed the floor.

The PRESIDENT. The gentleman from Clark [Mr. LANGLEY] has the floor; and the Chair does not understand him to give way for the motion to adjourn.

Mr. HINKLE rose to insist that the gentleman from Clark should not be further interrupted.

Mr. LANGLEY expressed his willingness to give way to a motion for adjournment, provided he should be entitled to the floor on the morrow morning.

Mr. HODGES, of Pulaski, moved that the Convention adjourn to 10, A.M., of the morrow, with the understanding that the gentleman from Clark should then be entitled to the floor.

The question was taken; and the motion was agreed to; and thereupon, at 12, M., the Convention adjourned to 10, A.M., of Wednesday, February 12th.

TWENTY-NINTH DAY.

WEDNESDAY, *February 12th*, 1868.

Convention met, pursuant to adjournment, at 10, A.M.

Prayer was offered by the Chaplain.

The roll was called, and the following members answered to their names:

Messrs. Adams, Beasley, Belden, Bell, Brashear, Brooks, Coates, Corbell, Cypert, Dale, Duvall, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hollis, Hodges of Crittenden, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Johnson, Kyle, Langley, Mallory, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Norman, Oliver, Poole, Portis, Priddy, Rawlings, Rector, Reynolds, Rounsaville, Sams, Samuels, Sarber, Shoppach, Sims, Smith, Snyder, Van Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President.

The PRESIDENT announced that, the time of the SECRETARIES having been closely occupied in preparing the certificates of members, for pay and mileage, the Journals were not entirely made up, from the minutes.

By consent, the reading of the Journal was deferred.

FEMALE SUFFRAGE—AGAIN.

By consent, the unfinished business of the previous day, being the consideration of the following motion, was taken up:

That the following section be inserted in the First Article of the Constitution, viz.:

All citizens, twenty-one years of age, who can read and write the English language, shall be eligible to the elective franchise, and entitled to equal political rights and privileges.

The PRESIDENT. The gentleman from Clark [Mr. LANGLEY] is entitled to the floor.

Mr. LANGLEY. I believe in freedom of speech. I claim the right to discuss in the fullest and freest manner any and every question pertaining to the rights of the people, or the interests of the country. This right is not derived from any digest of law or decision of court. It is a direct endowment of God; it is enstamped upon my nature; it is interwoven with all the elements which constitute me a rational and accountable being. This right I can surrender only with life itself. And the attempt to hinder me from exercising this right on this floor, I indignantly repel as a trespass upon my rights and an insult to my manhood. Sir, for speaking in favor of universal freedom, for advocating the rights, and contending for the interests, of the down-trodden and cruelly oppressed people of our country, especially the colored race, I have been incarcerated in dark and loathsome dungeons, as hellish as the Bastile of France, the Inquisition of Spain, or the Black Hole in Calcutta. But, thank God, time, which tries all things, has wrought a wonderful change. I think, from the indications of yesterday evening, that the "Conservative" gentleman (*if he is a gentleman!*) who charges me with being *non compos mentis*, has inspired some of our "Radicals" (?) with his spirit. But, if they think they can intimidate me, they are "mistaken in their man," this time. If any gentleman tells me I am to be denied the privilege of speaking, he insults me, and I will not submit to it. I have, as a man, the right of free speech; and I will fight for it—I will fight for it on this floor or anywhere else, and in any way! I will speak, on this floor, if the room is crammed so full of devils that you can't stick the point of a needle between them!——

Mr. CYPERT. If the gentleman will permit me——

Mr. LANGLEY. Take your seat, sir!

Mr. CYPERT. If the gentleman will allow me——

Mr. LANGLEY. Just take your seat, and keep your seat, sir! [Great laughter.] [Mr. LANGLEY reiterated with much earnestness his notice to Mr. CYPERT to be seated, and Mr. CYPERT complied, amid excessive laughter. Mr. LANGLEY continued:]

I am a Utilitarian. I believe in development, progress, reform, and improvement; and am willing and anxious to do what I can to render all people wise, good, and happy.

The prophetic annunciation, that "*knowledge shall be increased,*" is being more and more verified as we approach nearer and nearer the reign of the "Prince of Peace," when order, truth, and righteousness shall prevail throughout the whole earth. Progress is an unchangeable law of nature. This is an age of improvement. Reform is the order of the day. We are passing through a crisis unparalleled in the history of the world. We have just struggled through a gigantic war, and are inaugurating a new era in the history of our national policy. We must reconstruct the government of our country on *radical* principles—universal freedom, impartial suffrage, and equal rights. We must be governed by natural justice and scientific principles. Scientific truth must be our guide in ethics, in religion, in politics, in social life, and in legal matters.

Shall woman, created the equal of man, be entitled to the same political and legal rights as man? This is the question; and it is destined to be the question of questions, the great question of the age, the question of the country for years to come.

I affirm that woman is by nature endowed with equal rights, social, political, and legal, with man.

The right of woman to the elective franchise, etc., is based on the principles of *scientific truth.* I call special attention to this proposition: *That woman does not differ from man in any particular that disqualifies her from rightly exercising the same political and legal rights that he does.*

(I call special attention, I say, to that proposition. I want men to meet me with *argument*, on this floor.)

Whether this proposition is true or false, depends, not on prejudice, not on ancient custom, not on modern usage, not on legislative enactment, but on scientific truth. This is a question of science, and can be rightly decided only by scientific knowledge. Anatomy, physiology, and phrenology demonstrate *that woman possesses every natural qualification which entitles a man to political and legal rights.* (This is a delicate question; but a distinguished man has said there are no secrets in physiology.) Man differs from woman as to sex—in physical formation. But the special physical formation of man does not confer on him political and legal rights; or, if it does, it confers the same rights on woman, for she has her own special physical formation. Woman differs in formation from man——

(You may laugh, gentlemen, but this is a scientific argument. It is an independent argument. You may laugh and slur—I do not expect argument from any men that deny the right of free discussion. I have been treated disrespectfully; and I do not expect to be met by argument; but I may say that I do not mean to reply to anything but a fair argument. I am myself making an argument; and I now resume it.)

Man and woman were created different in the one respect of sex, for a specific and important purpose, viz., the perpetuation of the human race; which is accomplished by mutual consent, and on terms of equality.

Why is man entitled to political and legal rights? Because he is constituted with reason, conscience, free will, etc., and sustains various important relations to civil society. Woman is created with reason, conscience, free will, etc., and sustains important relations to civil society, and therefore is entitled to the same rights as man.

I challenge you to deny that proposition.——

Mr. CYPERT [*in his seat.*] I will try it. [Renewed laughter.]

Mr. LANGLEY. She differs from man mentally only as she differs physically. Woman has a finer nervous system, or brain, a purer mind, and a more beautiful physique, than man. And her rights are, to say the least, the same in nature, extent, and value, as those of man.

Man and woman are created equal. Their interests are similar. Their rights are the same. They possess the same mental characteristics. Woman possesses the same organs, or faculties of mind, possessed by man. Man is naturally a politician; he loves his home and country; and he is allowed to exercise his political rights for his own safety and the good of his country. Woman also has a political faculty, political rights, political interests, political aspirations, and political duties.

The term "*politics*" signifies the science of government. Is not woman a rational and accountable being? Is not woman interested in the affairs of civil government? Has she any rights which man is bound to respect?

The law of adaptation, or fitness of things, furnishes us with a solid argument in favor of woman's rights.

A man has the right to exercise every organ or faculty which God has given him. A woman has the same right. The possession of the eye implies the right to see. The possession of the ear implies the right to hear. The possession of the intellect implies the right to think. And the possession of the patriotic faculty implies the right to act in matters of politics. The patriotic faculty is as strong in woman, if rightly cultivated, as in man. And it is gross ignorance, or inveterate prejudice, or both combined, which denies woman any political or legal right which is exercised by man.

The right of woman to vote, etc., springs from *natural justice.* The right to vote is a natural right, springing from the right of self-protection. Self-protection is a natural right, to which every member of civil government is fully entitled. The main object of civil government is, to protect the people in their rights. Those cannot be certain of protection who are denied the right of a voice in determining who shall frame their laws, and who shall administer them. I contend that men and women are created with equal rights; that a government derives its just powers from the consent of those who are governed; and that, therefore, woman has the same rights as man in matters of civil government.

Women have, in various ages of the world, made excellent rulers; proving that they are qualified to rightly act in matters pertaining to civil government. For men to make and enforce laws which deny women their political and legal rights, is usurpation, tyranny, injustice, and wickedness.

The right of woman to vote and hold office is demanded as a matter of good policy.

We need social reform, civil progress, and legal improvement; and to insure success in achieving such desirable objects, we must have the aid of the women. Woman was made to help man. Say what you will, but the sphere of woman is the sphere of man. He cannot do without her. Woman exerts a great influence in politics now; and what would be her influence if she exercised all her rights? No society can well succeed without the help of women. The Church must be composed in part of women. The social party is incomplete without women. Even the Freemasons have learned that they cannot well succeed without the influence of the fair sex. And woman will yet be admitted to all the political rights of man. It is only a matter of time. We men need in politics, as in everything else, the soft but potent influence of our mothers, our wives, our sisters, our daughters. Intrigue and corruption do not necessarily belong to politics. Why cannot a people vote, hold civil office, and discuss matters pertaining to their rights and interests, with as much integrity and honesty of purpose as they can consider and transact any other business? By the aid of woman we can reform our political system, and make politics as pure as religion. Paul says, in effect, "Only let your politics accord with the Gospel of Christ." Men who are seeking for self-aggrandizement, loving position and power more than their country, do not understand this. They talk as though politics were a monopoly for a favored few—the aristocracy and their dupes. They pretend to think, and they succeed in making the most of the people believe, that politics is naturally so corrupt that no pure man has any right to hold office, and that a woman is entirely wrong to even talk about having political rights and privileges.

We, as a nation, deny one-half of the people, the purest and best half, their rights, and wonder why we succeed no better. The Democrats say that this is a *white* man's government. The Republicans contend that it is a *man's* government. The "Equal Rights" Party affirm that this is, of right, the PEOPLE's government! And I contend that to deny any person any political or legal right, merely on account of *sex*, or *color*, is unnatural, unjust, and tyrannical. Patriotism, intelligence, and moral virtue, are the only just and proper precedent conditions of enfranchisement. It is a crime to exclude from civil or legal rights any person who possesses these qualifications. Woman is, by nature, as patriotic and intelligent as man. *Woman is more virtuous than* MAN! Man will corrupt any institution, enterprise, or business, from which woman is excluded! The history of the world will establish this proposition. The coarser qualities of man must be counteracted by the pure and ennobling powers of woman. This is essential to complete success in matters of national policy. This, and nothing short of this, will ensure the peace, safety, and intelligence, requisite to national prosperity and happiness. There never can be a millennium of peace and prosperity, while one-half the people—the better half—are denied their just rights. My wife is as well qualified to vote as I am. We have women in our country who are better qualified to hold any civil office, however responsible, than are the men who oppose female suffrage.

Society treats woman with great injustice. She is compelled to submit to laws which she has no voice in making. She is compelled to pay taxes, while she is denied the right of representation. She is consigned to infamy for an error which man may commit with impunity. Her hard earnings may be forcibly taken from her by a villainous husband, and she has no legal mode or means of redress.

If woman is equal to man, she is entitled to the same rights. If she is inferior, she is in greater need of protection. Therefore, I say, put the ballot into her hand.

Woman is every way worthy of the confidence which I propose we shall repose in her. She is truer and purer than man. She has more moral integrity than man. She makes a good teacher, author, and orator; a fine physician, musician, and artist; an affectionate mother, a confiding sister, a loving wife! And who will deny that she is naturally qualified to make an excellent politician?

Mr. CYPERT. I desire to offer the following amendment:

Provided, That no man who has a wife shall be allowed to vote when the right is exercised by his wife.

[Laughter.]

I wish to offer a few remarks, in support of the amendment. I hold, sir, that I am a Union man; and that, not only so far as the Government is concerned, but as regards the relations of families. I do not wish to assist in inaugurating any system that will be likely to give rise to secession in families, and to create conflicting interests between husband and wife. I believe, sir, that the proposition of the gentleman from Clark [Mr. LANGLEY], if carried out, will provoke husband and wife to extreme measuress. Revolutions in families will be the consequence. Devastation will spread through the homestead. Children will be snatched from the protection of their fathers and mothers. I contend, sir, that if the right to exercise the elective franchise is given to both the husband and wife, it will be fraught with consequences which cannot, in all their horror, be anticipated by any mind.

On the other hand, I can see no great impropriety in conferring upon woman the right to vote, provided she is the only one, in the family, allowed to exercise that right. I believe that, in many instances, the women are better capable of voting than the husbands; and where that is evident, the dominant mind will, of course, exercise the right. [Laughter.] In the case of the gentleman, I will be willing to agree that his wife is more capable than he, of exercising the right of suffrage. [Renewed laughter.] But there are some exceptions, to this rule,—cases where the gentleman would be more capable than the lady, of exercising the right; and in those exceptional cases, I would not be willing to bring about the difficulties, between husband and wife, which must inevitably ensue. Hence, the object of the amendment is, to confine the privilege to one individual, at least as between husband and wife.

I must confess, sir, I should think it somewhat rash to place the ballot in the hands of women. The gentleman says that women were created equal with man, in every respect. I beg leave to differ.——

Mr. LANGLEY. With the exception of sex, as I explained in a few words.

Mr. CYPERT. I did not understand the sense in which the matter was explained: but I understand the gentleman to admit that there is a slight difference; I understand that it has been so asserted from the pulpit, and I would not be disposed to question the fact.——

Mr. WILSON [*in his seat.*] The gentleman [Mr. LANGLEY] made allowance for that.

Mr. LANGLEY. That does not give to either a claim to exclusive civil rights.

Mr. CYPERT. I can only say, sir, with the pious deacon,—"Thank God for the variation!" [Laughter.] Certainly, sir, were it not for that difference,—a difference which I would not change, to-day, if I could,—society would be upturned, the world would cease to go on in its great career, the human family would cease to exist, and I am inclined to believe, sir, the extinction of mankind would be the ultimate consequence! The gentleman spoke with great severity of some "conservative gentleman." I do not think I fully understood him. But, in consequence of a previous conversation which I had had with the gentleman, I was about to rise to a privileged question, when the gentleman made me take my seat very quickly. [Laughter.] Unfortunately, in a conversation with him, I did accuse him of being crazy. I meant a joke, then; but if he will persist in proving to the world that he was crazy, I cannot help it.——

Mr. LANGLEY. Sir, *you* are too crazy to meet my arguments, or even to try. [Laughter.]

Mr. CYPERT. I do not propose to meet *all* the arguments of the gentleman. I am no scientific man, and never propose to discuss scientific questions.

Mr. LANGLEY. Why not sit down, then, and let men discuss them who can? [Shouts of laughter and applause.]

Mr. CYPERT. If I thought there was another gentleman in this house, beside the gentleman from Clark, who could discuss that question scientifically, I *would* sit down. But it is a peculiar order of science, known only to the brain of the gentleman, I believe; and I confess that I am not capable of discussing it, and rose only to offer these few suggestions in favor of my amendment, in order to ward off the fearful revolution in societies and families, which I was apprehensive the gentleman's proposition, if adopted, would be likely to effect. [Laughter.]

Mr. SARBER. I move that the whole subject be laid upon the table.

Mr. CYPERT. O, come, don't treat it in that way! It ought to be fairly discussed.

The PRESIDENT. The Chair understands that there are several gentlemen who propose to speak upon the subject; and perhaps the gentleman from Johnson [Mr. SARBER] will withdraw his motion.

Mr. GANTT. I rose to make the same motion with the gentleman from Johnson. I will say, however, I am decidedly in favor of the amendment. I think one of the heads of a family ought to exercise the right of voting. There are, in all families, two articles, neither of which more than one member of the family ought to wear; the one is, the breeches; I will not mention the other. [Laughter.]

Mr. SARBER. I will withdraw my motion.

Mr. DALE. I have been engaged in writing, and have not been paying any attention to the run of this discussion. But as this seems to be a sort of free fight, and inasmuch as I have been, during the session, a man of slow speech—by some gentlemen perhaps considered rather on the modest order,—I might perhaps venture a remark or two. I wish to say that in any allusions that I may make to any gentleman on this floor, I do not propose to deal in personalities; because——

Mr. WILSON. Will the gentleman allow me to ask him one question, before he proceeds?

Mr. DALE. Yes, sir. I believe this is a sort of general class-meeting. I am ready to answer any question any gentleman may choose to put.

Mr. WILSON. I only wanted to know if you were going to read all those papers, in your hand, before you quit.

Mr. DALE. A little louder, if you please, sir. [Laughter.]

Mr. WILSON. Are you going to read all those papers?

Mr. DALE. It will somewhat depend upon circumstances, sir. [Laughter.] I was going to say, Mr. President, that I am rather favorable to the resolution offered by the gentleman from Clark [Mr. LANGLEY.] I caught one point, only, in the discussion, and that was the statement of my friend from White [Mr. CYPERT], regarding the insanity of the gentleman from

Clark. The gentleman from White admitted he had said the latter gentleman was crazy; but says he was just in fun. Well, we frequently see men, crazy themselves, get in fun with others, and think that the others are crazy. I have seen this difficulty for, lo, these many weeks—I have seen that certain gentlemen occupying seats on this floor, were really and in fact fitter subjects for the Insane Asylum than for certain other places that might be mentioned. In illustration of this fact, I will refer to the discussion on the night—I believe it was—of the 11th, on the adoption of the Constitution, as conducted by the gentleman from Ashley [Mr. Moore.] Is the gentleman here?

Mr. KYLE [*in his seat.*] No, sir.

Mr. DALE. I am not in the habit of speaking of men, or their actions, when they are not present. However, the gentleman from Ashley should be in his place. Having participated in that discussion, he should be here at all times, ready to hear and answer anything that may be said in regard to the remarks he made. And as this is, as I said, a sort of free fight, I propose to notice some remarks made by the gentleman from Ashley, on that occasion.

He gets up out here [in the aisle]—and, in fact, he got so close to me that I had some thought of retreating,—and says: "This is a monstrous thing!" "Mr. President, we have assembled here to frame an organic law; and I must say that such men should never have polluted the soil of Arkansas!" Now, sir, I would gladly have had the gentleman from Ashley go on and define whom he alluded to—what individuals, or what class of individuals, he intended to describe;—whether he meant that class of persons who stand here as the representatives of the loyal element of Arkansas, or those of the disloyal element of the State. I say I would gladly have had him define more particularly the class to which he referred, if he intended to make his remark personal, or desired that it should be taken up. But I must say that *such men* never *should* have polluted the soil of Arkansas—such men as constitute——

Mr. WILSON. I rise to a point of order. Is the gentleman debating the question before the Convention?

The PRESIDENT *pro tempore* [Mr. Duvall.] The Chair is disposed to allow a tolerably large scope in the discussion of this matter.

Mr. DALE. I desire to know whether the loyal people of Arkansas are to be trampled under foot—crushed under the heel of these Rebel despots, slanderers, and traducers; or whether the loyal people of Arkansas are to be treated with common decency, by gentlemen occupying a place only co-equal with themselves upon this floor. I desire, sir, to know if the loyal people of Arkansas will tamely submit to this kind of traduction and slander. (I hope the Jack-in-the-box will not jump up, presently, again. [Laughter.] I thought I might be permitted to go on and say what I wish; and if I am so permitted, I shall say it in my own way, and leave all who choose, to draw their own inferences.)

Much has been said, on this floor, as to the time and manner of gentlemen's coming to Arkansas. I wish to say, for myself, that I came by way of the various battle-fields. I fought my way down here, through blood. I found my way down here by hewing my path through the ranks of rebels—these men who have devastated the country, who have trampled the flag under their feet. I wish I had the Journal of the Convention of 1861 here; I would read some few lines for the benefit of certain gentlemen on this floor, who talk about their opinion that "such men should never have polluted the soil of Arkansas!" Polluted and disgraced the soil of Arkansas! I did not come here, sir, with a roll of money in my pocket, and a fine gold watch, to give to any cut-throat or assassin, to procure his services to murder some man who had fought like a brave soldier, throughout the war, in the Confederate army. I did not come here with means. I was not so fortunate as to have means. I might say, however, without fear of successful contradiction on this floor, that at the commencement of the war I was somewhat more fortunate, in point of means, than I now am. But whatever I may have had, that cuts no figure in this case—it is gone long since. When the Rebels took Baton Rouge, they stole over seven thousand dollars from me; when Price's forty thousand thieves invaded Missouri, they took the balance, be it much or little. I came here with neither the pecuniary ability nor the good will, to employ men capable of bushwhacking my neighbors. Neither, when I came down here, sir, did I come with the expectation that when I raised my voice in favor of reconstruction, in favor of the old flag, I would be hunted down by those murderous cut-throats, thieves, and robbers, whose hands are red with loyal blood.

I did not expect when I came to this State, that I would meet, in this hall, a dirty traducer of common decency, who would publish a notice that "the gentleman from Independence had walked across the country, but that, if reports were true, he would ride into the city." Let me tell the gentlemen of the "Gazette," that they are in no danger. Their stock is in no danger. I am not in the habit of riding jackasses; when I ride, I ride fine stock—I ride the noble Arabian. Let me tell, you, sir, that that concern need have no fears of me; they have no stock that I would stop to catch to ride, if I were in a hurry. I have been watching these fellows, sir; and I have been terribly frightened! This miserable sheet, sir, has been paying its compliments to every decent man on this floor, except myself; and that is the only notice they have given me. I would be opposed, under almost any circumstances, to expelling any reporter of any public journal, from any deliberative body; but I do say, and do think, that when men are admitted to the floor of a legislative assembly, for the purpose of enabling them to report the proceedings and conduct of the body, at least they ought to keep somewhere in the region round about the bounds—in the edge of the territory—of truth and common decency. So far as I myself am concerned, all I have to say as to the reflections cast upon me, is this. In the commencement of the war I entered the service. I have never held a commission. This is the first office I ever held in my life. I have carried my musket and knapsack through heat and cold, mud and rain;—I underwent as many privations, perhaps, as any man of my physical abilities and age could undergo and live. I have, in common with others, divided my last cracker with those who were driven out from their homes and country by this very class of men of whom this dirty, filthy, foul-mouthed journal is the political representative. [Laughter.] I say I never held an office, in my life, before this,—if this can be called an office. I do not know that I shall ever hold another; and it matters very little to me whether I do or not. I can make my way. I *have* made my way. I have gone through the war, and have come out alive. I have an honorable discharge from the service of my country. The United States Government has been paying me, for years, for killing just such men. [Laughter.] And whilst I do not demand one single drop of blood for vengeance, yet if it be necessary, for the protection of the lives, property, and character of loyal men in Arkansas, let this Arkansas River's banks overflow with it! Let these gentlemen undertake the game they threatened us with the other night!

Sir, let us see what has been said on this subject, by the other gentleman from Ashley [Mr. NORMAN.] I quote his language:

> "By accident we are in the minority here; but there are twenty thousand registered white voters at our back, who will follow us through all danger."

Yes, sir! This gentleman from Ashley comes up here and menaces this body, and the loyal people of Arkansas, with the threat that they—"we"—the gentleman from Ashley—the leaders of the "White Man's Party"—are backed by twenty thousand white registered voters, and that we must beware where we put our feet! Let me tell those gentlemen, the representatives of that party, beware, yourselves, where you put *your* feet! move slow!—for I submit that there is danger here—there are torpedoes all around here! Inaugurate this game, and some men will get hurt! [Laughter.] I tell you, Mr. President and gentlemen of the Convention, I say to this whole country,—let them dare to fire a gun, where *I* live [Laughter], and neither man, house, nor barn shall be left. I know, sir, that my death-warrant has been in the hands of the assassins, for more than two years. Those same men, those same cut-throats and murderers, those same thieves and robbers, have surrounded my house, time and again, and formed conspiracies, fifty and sixty of them in a gang, for the purpose of murdering me and my loyal neighbors; and I dare the "Gazette" to deny it—I will prove it. Those same men who robbed their neighbors of their horses, of their cattle, of their money, and even robbed women and children of their half-worn clothing, are our neighbors—we live right among them. They admit that during the war nobody ever heard of a loyal man stealing anything. They admit that when we were all gone within the Federal lines, and there were no loyal men in that country, there was ten times as much stealing, in that country, as there ever was before or since. Maybe the "Gazette" will deny that! But, some way or another, it so happened that as soon as the war was over,—as soon as the rebels had stolen everything, and there was nothing left to steal [Laughter], and the loyal people began to return to their homes, the rebels became exceedingly honest, and the Union men turned in to stealing everything! It so happened, however, that in the part of the State where I live, there has never been a man caught with a stolen horse, yet, but he was a rebel. Just so sure as a horse was stolen, in that country, and the thief was caught on his back, that thief was a rebel. Yet the loyal men do all the stealing!

Why, sir, during the late canvass they stopped for nothing. We may expect to meet them in like manner, in a contest on kindred subjects, in the coming canvass. They stop, I repeat, at nothing. No falsehood, no traduction, no villainy, was too low for them to descend to, in order to defeat reconstruction, to defeat the call for a convention, or to defeat an individual candidate. Their representative men come up to this Convention, and declare, in the first place, that they are Union men—they are for the old Constitution—they are for the Union; and then they oppose every means of our getting back into that Union which they love so dearly!

I am reminded, Mr. President, by this reference to the course of men who in one breath are for the Union, and in the next against it, of that of the honorable gentleman from Bradley [Mr. Bradley], the other night—I mean the steamboat-captain [Laughter]—the man who doesn't deal in small things. I wish I had here the Journal of the celebrated Convention of '61; I would read to the Convention, from a paper purporting to have been sent in to that body by the honorable Governor of the State of Arkansas, announcing the fact of the capture of a couple of steamboats, down about Napoleon somewhere, and giving an invoice of their freight, with a statement of their capacity to run on certain rivers, and of their usefulness; as well as of the fact that certain individuals about Pine Bluff had, of their own volition, captured certain property, which he, the Executive, had thought proper to apply to public use,—part of which property consisted of certain stores, containing, with the rest, certain cavalry equipments, etc. I had been inclined to think, before I read that record, that there had been none of this jayhawking done in Arkansas, but that it was confined to the Northern border, where the Missourians, as was said, had all come over the line and committed this deviltry—I understood that there were no bad men in Arkansas, at that time, thus demonstrating that all the bad men had come in since. But it proves that they had extended their perambulations to Pine Bluff; and instead of stealing cattle and horses, they went into it by the steamboat-load.——

Mr. CYPERT. I understood they stole steam-mills, and steam-engines. [Laughter.]

Mr. MOORE. One man certainly stole a steam-engine.

Mr. GANTT [*in his seat.*] Forges, too.

Mr. DALE. I wouldn't venture to deny anything of the kind;—if there was anything that that horde of Confederate cut-throats wouldn't steal, you couldn't get anybody to do it. [Laughter.] Their first salutation, when they met you, was,—"Your pocket-book! I have an order for it." [Laughter.] Hand that up, and think you would get out of the scrape thus easily—"I have an order for your coat!" This begins to kind of shuck the fellow off, and the thief observes that there is no hole in the seat of his breeches; and he has another order for the breeches; and in order to get them off he has to pull off the man's boots. [Laughter.] "O, yes—I forgot that—I have an order for your boots!" And they come up here and talk to loyal men, men governed by the principles of honor; and undertake to class-lead us!—*these* men—I believe I heard a phrase used, the other day, that is very applicable here—"there are better men in hell, than the best of them." *They* talk to *us*, and undertake to class-lead *us*, in the principles of common decency and honor! Sir, the gentleman from Bradley [turning round], I see, is not present.

Mr. MOORE [*who had entered the hall, and sat immediately in rear of Mr.* BRADLEY'S *place, replied, from his seat:*]—*I* am.

Mr. DALE. I am glad you *are* here. Now, you hold, while I skin, and I'll hold while you skin, sir! [Great laughter.]

I was about to say that the gentleman from Bradley [Mr. BRADLEY] undertook, in his remarks the other night, to quote some Scripture—these fellows are great fellows for Scripture, now, and "Constitution," and "Union," and "flag." I heard him say something to the effect that when your enemy smote you on one cheek you should turn to him the other also. I looked up at him and said to myself,—I wonder if *you* haven't been in such a scrape, lately. Judging from appearances, I should suppose he had just been turning first one cheek and then the other, to his enemy. [Laughter.]

Now [*to Mr.* MOORE], I have turned down: and now I will turn up on you.—[Searching among his papers.] Just hold on, Mr. President,—I am in no hurry here. I have been taking things easy, ever since the war commenced—and it is not done yet, for I am told the great battle of Hot

Springs has just come off. [Laughter.] Ah! I have found, at last, my notes of the gentleman's remarks. "Are they not ashamed of themselves?" I can't squeal it out exactly as the gentleman from Ashley [Mr. MOORE] can. "I am ashamed that such an instrument should be thrust upon the people of Arkansas." "*Thrust* upon them!" [Laughter.] "*Thrust* upon the people of Arkansas!" [Renewed laughter.] I reckon somebody else is ashamed that something else was thrust at them! I wonder if the gentleman from Ashley expects to scare anybody here. I wonder if any one else on that side of the house expects to scare the loyal men of Arkansas. If they do, all they have got to do, is to "pitch in, dirty-face;" and if we don't take the starch out of their collars, it is our fault. They have "twenty thousand registered white men that will stand at their backs!" Now, Mr. President, let us reason on that subject, a little. [Laughter.] Suppose they have them, and that they are registered. Suppose they have twenty times twenty thousand, and all registered, and "white men"—as they reiterate in every speech. They want it distinctly understood that they are white men. Sir, men who believe the truth of what they are saying, are not going to talk about it so much. I don't doubt that a good many of those cut-throats were white outside; but I found a good deal of black by cutting into the inside. The black is inside. Ashamed of ourselves! Sir, a man who can take it upon himself, after having opposed every institution of the country, except that of slavery, and its perpetuation, and the degradation of white men, and *its* perpetuation, to adopt this style of rebuke to the representatives of the loyal people of the State, ought to be ashamed of *himself*. "I,"—the gentleman from Ashley, the representative of the Rebel element of Ashley County, the representative man of that class of men who stood behind the doggery, and fired salutes in honor of a Confederate victory, at the late election there,—"am ashamed that such an instrument should be thrust upon the people of Arkansas!" That is to say, it is a shame that such an instrument should be thrust upon "us,"—the aristocracy, the brains, the literati of Arkansas! "We," the great "people of Arkansas!" "We," the old settlers! These carpet-sack men *dare* to come in and settle in this State! Let me tell the gentleman from Ashley, that the days of '61 and '62 have passed, here. He is four or five years behind the times. And now, for the benefit of the gentleman from Ashley, and all of that class, I will say, that we mean to stay here. We came here to stay, and we mean to stay. We not only mean to stay here, ourselves, but we are going to procure an immigration hither. Yes, sir, we are going to immigrate a horde of these live Yankees and black Dutch, into this country. We are going to break up this old, time-honored system, that they talk about. We are going to overthrow this great system of instruction that they have had. We are going to overthrow the magnificent system of internal improvement, that they have had here. We are going to throw over the fence these old-fashioned shovel-ploughs, and introduce the new instruments "*from the* NORTH!"—(sonorously speaking). In five years from to-day, ask one of these gentlemen if he was one of those who engaged in denouncing these men "from the North," and he will want to kill you. Say to one of them, now,—"I don't believe, much, in you—you were a rebel, and I can't place much confidence in your political integrity and moral honesty;" and he just cuts up and dusts all around—he *never* was a rebel—he was a Constitutional Union man—he was conscripted! (Follow one of these fellows that was conscripted, and you will find, in nine cases out of ten, that he "conscripted" everybody's pocket-book, that he could get hold of. It is true, the rebels did now and then get a Union man; but they had to grab pretty quick, when they caught him, for he was pretty sure to just pitch headlong into the brush, when they came along.) Yes, sir; I would like to ask the gentleman from Ashley, whilst he is expressing his indignation and shame that such an instrument should be thrust down the throats of the people of Arkansas,—how he feels on the subject of the Ordinance of the 6th of May, 1861. I wonder if he is ashamed of *that* instrument. I reckon not. He is only ashamed that they were not able to sustain their cause. I wonder if the gentleman is ashamed of the action of his Legislature, away back in 1856, when they passed a law that if any free man of color failed to leave the State in sixty days, or so, he should be sold. I wonder if he is ashamed of that. O no!

I must now let my friend rest a little while; for he has been holding, and you know how hard it is to hold an awkward ox while you skin him alive. I hope he will return me the compliment, and let *me* rest now and then, when he gets up.

I must now for a moment notice my friend from White County. (But first let me take some water on the subject; for an old friend of mine told me he was in favor of water in these cases, and thought they should be baptized, when they became thoroughly converted. I don't know but water would do in some cases; but in this case I would circumcise them.) Now, let us try to dispatch this affair, in as short metre as possible, with my friend from White—I believe he is from White—he is a small man—I have forgotten his name, but you will be able to know him. When he came to this Convention, he was in tolerably fair order—not well grown, however. I supposed he was a shoat, that had grown up without corn, when there was no mast, in the dry season of the year, and had been somewhat stunted. The man that undertakes to follow this gentleman on any particular line, is going to be lost; for the gentleman goes in every conceivable direction, and ends nowhere. However, I must extend, to my friend, my heartfelt sympathies; for I believe that he is a gentleman, in his personal demeanor, courteous and civil towards all of whom he has a high opinion. [Laughter.] (Let us take some more water. Every time I use that name, the gall and wormwood comes up, and I have to take a drink of water. Booh! Bitter!) I say this gentleman travels in every direction, and ends nowhere. He has been dashing around, until I really feel to sympathize with him. He seems to have been in a great deal of trouble, from the day he came here till the Elephant passed the Convention. He has been nervous, and has exhibited something of a tendency to pugilistic proclivities. I learned this morning, for the first time, what was the matter with the purp—the man has gone crazy. That's what's the matter with him; and I only found it out this morning, and wouldn't have believed it had it come to me from any other source than himself. I couldn't have believed it. He is a nice-looking gentleman, to look at; only he has become very thin—he looks, since the Constitution passed, as if he were seventy-five years old. And now, I would suggest to the gentleman's political friends,—I mean the "White Man's Party,"—that they raise a subscription, and pension him; for if ever any little man has, in a small way, to carry out small measures, worked for a party, in a body of this kind, he has; and I think the laborer is worthy of his hire—I believe, though, that is a Scripture phrase, and if there is any minister present, I beg pardon,—I am not in the habit of talking ministerial language. I am glad to see the gentleman in his place; for he is a personal friend of mine; though I must confess he did not entertain a very elevated opinion of me when I came here, and said to me, indeed, "I must regard you, from what I have heard, as being a very vindictive man." But he will talk with me sometimes, and did, yesterday, shake hands with me; and I believe he will do it again—if I ask him.

Now that I have noticed three or four of these gentlemen, individually, I wish to call your attention, sir, to one characteristic of their party, in this house. Did you notice, throughout all our deliberations, how, whenever the negro question came up, they pounced upon it, and spurned it, and how awfully ruinous and vulgar they thought it to so much as talk about a negro voting. But did you see, when the darkeys voted with them, as they did the other day, how these gentlemen did cheer—Whoo! [Laughter]—"O —GREY and WHITE are sensible, decent men—they are *gentlemen.*" But, when the same men voted the other way, they would exclaim—"Ugh! the woolly-headed niggers! If they would get out of there and go to work, they wouldn't come so near starving." Well, I will not say that is not so. But I will ask you if any man of sane mind will put himself in such an awkward position as that which these gentlemen have assumed. When the darkeys voted on their side, in carrying any motion, even to adjourn, it seems to raise them up—they are glorified, they feel like hallooing "Hallelujah! Glory to God! The niggers are a great people! sensible, decent, smart, good-looking, Christians, and educated gentlemen!" When they vote against them—"Oh! they're a damned set of niggers! I can't bear 'em near me—I can't bear the smell of 'em!" [Laughter.] Sir, can any man of sense—I mean, any sane man, for they are as sensible as any men, so unsound in intellect as they are, can be—be guilty of such inconsistency? They start out in every direction—as the gentleman from White does,—and end nowhere. I would be glad if some one would tell me, from the action of the Opposition, which side they are on. Which side of the question are they really on? I don't believe any one will tell me. In my judgment, as soon as the negroes vote the Republican ticket, they will be nothing but "damned niggers," with these gentlemen; but if they should ever turn over and vote the Democratic ticket—the "White Man's ticket,"—they will again become Christians, and gentlemen of refinement. I don't believe there is a negro in Arkansas that is fool enough to follow after any such class of politicians. They don't believe this stuff. They have sense enough, I think, to know who are their friends. They do know who is in favor of universal suffrage, universal freedom, and universal responsibility. These are the relations of these gentlemen to the colored members of this Convention; and just such would they be to the whole colored population of the State. Let those people vote against them, and there is no contempt or denunciation too bitter; let them vote *with* the same men, and they suddenly become patriots and gentlemen.

But, oh! the gentleman from Ashley is so ashamed, that the likes of this Constitution,—this miserable document that guarantees to all men in Arkansas equal rights, and imposes upon all equal responsibilities,—should be thrust down the throats of the literati! These gentlemen who have been for two hundred years—they and their ancestors—living upon the sweat and blood of their fellow-men! I wonder if there was ever an overseer on anybody's plantation! Sir, let me say to you that a man, or any set of men, opposed to universal freedom, and the universal rights of man, in the most extensive sense—politically speaking, any such man is only fit for a slave-driver, or a butcher, or a cut-throat. I don't doubt, sir, that that kind of men differ from me with regard to this point; I don't doubt that they believe they are the better sort of folk; and I really believe they do think so. I do not know whether the gentleman from Ashley will condescend to notice any remarks which I may have made—I very much doubt it; for I am sure that had I no more elevated opinion of him and his party than he seems to have of the party, or of the motives which actuate the party, to which I belong, I would not condescend to notice anything he said.

I had begun to pay my compliments to the gentleman from Bradley, when the associations connected with his name led me into another course of remark from what I had intended; and I now return to him, for a moment. I say, the gentleman from Bradley—I wouldn't mention any man's *name*, for any consideration; for he might find it out, and hold me "responsible." I am sorry the gentleman is not here; for I wanted to hear one of those grand, eloquent strains of his. I had a notion, the other day, to bring forward a resolution proposing that this Convention telegraph, right off, to have the gentleman's name "written on the firmament of heaven, in letters of fire," as large as those on the wheel-house of the steamboat he stole [Great laughter]—I believe that is about three feet and a half. Sir, I was not green enough, although I did come down here from the mountains of Arkansas, to believe in the loyalty of any such men as the gentleman from Bradley. The first time he made a speech, I said,—"He has gone over, neck and heels, boots and spurs, to the Rebels." "O, no!" said some gentlemen who had more universal charity than I (and that is too much, so far as Rebels are concerned—I think I have exactly enough, and very little at that)—"O, no! don't say anything—let's get him by the arm and pull him along." I said,—"Kick him out! he is bound to go, any way." Sure enough, over he went. I pointed out several other individuals, who, I was satisfied, would abandon us in the end; and in that respect I proved a political prophet. "I don't care," I said, "what these gentlemen *think* they are going to do—I smell the smell of a skunk! I know they believe that upon the issue they will come up all right; but they don't know themselves—when it comes to the hard pinch, the tug of war, they will go over to the enemy—you won't find them on hand." And so it has proved.

Now let me wind up by telling these gentlemen, and the honorable President, that I expect to go home, from here; and when I go, I am going to take all the necessary risks in the case, to canvass all the region of country on the Northern border of Arkansas. I am going to turn over every stone; I don't mean to leave any honorable means untried, that are in my power, to carry the Constitutional election, and the general ticket. If I shouldn't be fortunate enough to be able to buy a horse for the canvass, I shall do as I have done before. Since I have lived in Arkansas, although I have been running the shebang—the head of it, in my section, it is said,—I have not yet been able to buy a horse. I raise my crops, and do my milling, a-riding on a bull; and it is said, Mr. President, that it is the best-trained and most intellectual animal in North Arkansas. They do say that he will put his fore-feet on the top of a stump, and bellow "Rally round the flag, boys!" and that he will take a three-bushel sack of corn on his back and walk a log across Polk Bayou. [Laughter.] I can't say whether that is true, or not; but he is the bull that butted the Rebels off the bridge, at the last canvass in Independence County [Renewed laughter]; and he is the one that I expect will do it again in the coming canvass. He is the animal known as the BULL OF THE WOODS OF NORTHERN ARKANSAS. If I can't do any better, I am going to ride my bull again; and I tell you no rebel bull will run against him! Or, if I can't do any better, I will do as I have done twice before—I will walk, and canvass the country in that way. I am not afraid of these fellows killing me; and I will tell you the reason why. We have convinced them, on that point. We convinced them, on the night of the 24th of last January, that it was dangerous to suck rotten eggs in that country, any more. [Laughter.] That's what's the matter! I am not afraid of their assassinating me. The time was; but it is no more. I expect to canvass my friend's County [pointing to the seat of Mr. DUVALL, of Lawrence], where the noble, the honorable, the brave Douthit could not live. And I have no fear of those fellows; though they have a warrant for me, that is signed, sealed, and delivered, they dare not execute it. They know they dare not; they know there would be neither house nor barn nor man spared. So they can just pitch in, as soon as they please; and the sooner the better, for this war has got to be ended some day, and I don't believe it will be ended, in our part of the State—write that down, Mr. Gazette [to the reporter of the "Gazette"], for I want it to be known that until the dogma that the Rebels preached through the war is carried out—the only dogma they ever preached that I believe the truth of, and that is, that *the loyal men and rebels can't live together in that country*—until that is carried out, I doubt if we shall have any peace. Write it down!—I want them to know it. And write it down that if they think otherwise than we do, if they think they can drive us again, all they have to do is to try it on. And if they do try it on, say to them we shall know who will go next time, and when they go we shall know who will come back! We shall know who will come back! We have left that country for the last time, Mr. President! Our wives and children were robbed and beggared, their fences burned, their houses unroofed,—they were expelled from the country, and when leaving it for the Federal lines they were overhauled again, by the notorious guerilla and cut-throat, Barney Ford. Ask Barney Ford how he comes to be in Texas, will you! and he will tell you what's the matter with the hound. We were again pursued, and robbed a second time; and the Federal forces had to send out a scout and bring the refugees to Rolla, where they arrived in a starving condition. Their clothes, their beds, their wagons, their teams—they had to take them all, in order to escape persecution in Arkansas. If these Rebels think they can run our wives and children off again, tell them [to the reporter of the "Gazette"] all they have to do is to try it—publish it, and just furnish me a few copies, and I will take them over there and placard them up about the country. I have their letters in my pocket, stating that if I have not been already despatched, on my way to Little Rock, I will be if I ever go back again. I am going back again; and we shall see a thing or two! I am not afraid of those fellows assassinating me. Not that I don't believe they would willingly do it. I expect to go back to Hookrum, and preach another sermon to them. I am the only man that ever did preach them a Republican sermon in Hookrum; and I have preached two. They swore, both times, they would kill me if I came; and I went; and I am going back there again. Douthit was a large square-built man; I am more slim, and not so easily hit—they don't care so well about striking a blow at me.

I must not close till I shall have referred to one other matter. Sir, I voted Aye, on the adoption of the Constitution. I voted Aye because I believed that, taking the Constitution as a whole, so to vote was the best thing I could do. Not that it was all that I desired, in all of its parts; but as a whole, I thought it best to vote for it. I have no apologies to make about my vote, even to my own constituents; for they told me to do the best I could, and I have done it. In casting that vote, however, I took occasion to make a few remarks in explanation of my course in so doing; all of which I shall perhaps have placed upon the record, and perhaps not. One of the most serious objections that I had to the Constitution, was to those features in relation to the franchise, so much complained of by my friends on the other side of the house. (I say, my friends. I have no reason to believe they are my personal enemies, at all. I do not, of course, mean, political friends.) And the same reasons which they assigned for opposing that feature of the Constitution, constitute some of those which I assign for the opposite course. They say it is too strong—that it disfranchises too many. My objection to it, was, that it was too weak. And I will take this occasion to tell these gentlemen how I saved as much of its bacon as I did. If the Convention had held on a little longer, I would have had them fixed just to my notion. When I came here, I came with that measure lying close to my heart. I labored, day and night, for two or three weeks, in support of it. But upon talking, around, with the delegates from the different counties—the Republican delegates, of course, for I was afraid to speak to a Rebel, on the subject,—I could find no two or three agreeing on the same measures with myself. There were very few who would talk about going any further than the Congressional plan—as they called it. But after having labored for nearly two weeks, and feeling ever so much dejected—for I had almost lost all hope of succeeding in accomplishing anything,—these very gentlemen came to the rescue; and I will here take occasion to apprise them of the fact. By their unreasonable attacks upon the motives that actuated the course of the Republican wing of this Convention, by their unbounded traduction of the character and honesty of that portion of the body, by allusions to matters and things that they ought to blush to talk about, now—for things, three or four years ago, looked right ugly on their side,—the boys that were once in blue became sore. These gentlemen, in short, acted as firemen, and all I then had to do was to stand at the safety-valve and let on the steam, and she went ahead, of her own volition. And had they been permitted to proceed for two weeks longer, I would not only have disfranchised them, but would have confiscated the last foot, save homestead, of rebel property in the State, and have had it provided that from the proceeds of the sales of the lands of those rebels who have caused the expulsion from the State, and broken up and ruined the prospects, of those loyal men, thousands of whom are in their graves, and their widows and orphans almost perishing,—that from the proceeds of the sales of the lands of the men who have worked all this mischief, every loyal man in Arkansas should be indemnified for his losses arising from spoliations committed by the rebels; and not only for losses in dollars and cents, but for all the damage received,—damage often far greater than that occasioned by the mere dollars and cents lost. These friends of mine, however, chose to shut down the machine a little too soon. Had they permitted it to go a little longer, I would have held the safety-valve, and gone clear through. I asked only two more weeks, to have accomplished all that I desired.—If the Constitution is proscriptive, whom have they to thank for it? I repeat, that when I came here I could not find three men in the Convention, to agree with me.—I wonder who else feels ashamed, now! *I* don't. I really feel under obligation to the gentlemen; for when it was a struggle for life or for death, with me, when I was about to go under, and had no friends to help me, these gentlemen came up to the rescue; and if there is anybody in Arkansas that feels aggrieved in consequence of any provisions of this disfranchisement clause, they have me, and these rebels in this Convention, to thank for it, and nobody else.

Now, sir, I will explain my position in regard to the term "rebel." Bear in mind, that in speaking of politics I never allude to individuals. When I say "rebels," I mean men who support those measures which the rebels advocated, and which those men yet advocate who are hanging on to the old, dilapidated, rotten institution of slavery. I do not mean that this gentleman, or that one, or that one, is individually a rebel; I mean that they are acting in support of those measures most calculated, in their nature, of all other things, to bring on the consequences they intended should grow out of the rebellion,—destruction to all the best interests of the country, and the annihilation of loyalty, and of the Government of the United States. That is what I mean. I do not mean that these gentlemen, individually, are rebels. I believe they are crazy; and I propose, now, that some gentleman who has brains enough to devise the proper ways and means, draw up an ordinance providing for the erection of an insane asylum, for the accommodation of men who shall come to the Convention, or to the Legislature, hereafter, and thus grossly misrepresent the principles of those who sent them here. I do not mean my friend from Ashley [Mr. Moore]; because I believe he *is* representing the members of the party that sent him here. But I do say that other men, who were elected as the representatives of the loyal element, and who take part with that gentleman and his friends, in their action upon this floor, should be sent to an asylum, and put under treatment. I believe my friend from Ashley has acted conscientiously, in this matter. I believe he is in favor of all those destructive principles that were incorporated into the plan of rebellion. I believe he is honestly in favor of them,—that they lie near his heart,—that he is the true representative of that element of society which sent him here,—that element—I don't care whether they had blue or gray clothes—which stood behind the grocery and fired salutes in honor of the Conservative victory.

With these few remarks, I propose to retire from the floor; and when it suits my friend from Ashley, I hope he will permit me to just hold his leg while he skins. [Laughter.] I may, however, have occasion, after he is through, to criticize, somewhat, his mode and manner of executing this kind of surgical operation.

Mr. BROOKS. I do not wish to interrupt the performances, if gentlemen are anxious to continue them; but as it is now dinner-time, I would be gratified to have the consideration of the subject at present before the Convention, suspended in some form or other. If laid upon the table, it could subsequently be taken up.

The PRESIDENT. It is moved to lay the subject upon the table.

The question was taken; and the motion was agreed to.

COMPENSATION AND MILEAGE OF STENOGRAPHER.

Mr. BROOKS offered the following order:

Ordered: That the Stenographic Reporter, in addition to his compensation for services in reporting the debates and proceedings of the Convention, be allowed compensation, at his usual professional rates, for the length of time actually and necessarily consumed in travelling to and from the session of the Convention, and mileage, at the rate of ten cents per mile, for each mile necessarily travelled.

The question was taken; and the order was unanimously passed.

ADJOURNMENT OF THE CONVENTION, SINE DIE.

Mr. HODGES, of Pulaski, offered the following resolution:

Resolved: That in case this Convention is not called together by the President, or one of the Vice-Presidents, as contemplated in resolution upon adjournment, passed by this Convention on January 31st, A.D. 1868, within one year from the date of said adjournment, it shall stand adjourned *sine die.*

The question was taken; and the resolution was adopted.

AUDIT OF ACCOUNTS OF THE CONVENTION.

Mr. MASON moved that the Convention proceed to appoint a committee of five, to audit the accounts of the Convention, viz., the per diem and mileage of members, the per diem of Sergeants-at-Arms, Doorkeepers, Secretaries, Pages, and other expenses proposed to be paid out of the seventy-five thousand dollars appropriated, by the Convention, to defray its expenses.

Mr. MASON said: My reasons for making this motion are:

First, to keep out any unreasonable and unjust accounts.

Second, to facilitate and hasten the issuing of certificates to members of the Convention, in order that they may be able to draw their per diem and mileage.

Third, because I believe that we should do this as a matter of *justice to ourselves, and of respect for our people.*

Fourth, as a Convention, we know nothing about our expenses, except the per diem and mileage of members, Secretaries, Pages, Sergeants-at-Arms, and Doorkeepers.

I believe, Mr. President, that it would not be convenient to have all accounts of expenditures brought before the Convention at this time, and for these reasons have asked for the appointment of a committee, in order that we may save time, and get through, here, as quickly as possible. I really hope that the Convention will appoint a committee for this purpose.

I might give you many other reasons, but I hope that the *necessity* of the case is patent to all of you, without them.

Mr. HODGES, of Pulaski. I would suggest that all gentlemen have drawn their mileage, and have their pay in their pockets; and if any one has overcharged, he will have to be responsible to his constituents, and to nobody else. Constituents will hold their representatives responsible for the taxes imposed; and if any overcharge has been made by any member, I am entirely in favor of such gentlemen having to answer to their constituents. I am therefore opposed to the resolution.

Mr. MASON. I am not opposed to the payment of mileage, but wish to get through with our business as soon as we can.

Mr. HODGES, of Pulaski. I move that the resolution lie upon the table.

The question was taken; and the motion was agreed to.

THE CONSTITUTION—AGAIN.

Mr. McCOWN. I will file with the Secretary, in the form of a protest, my explanation of my vote upon the Constitution.

Mr. McCOWN then read the following paper, which he asked to have spread upon the Journal:

Mr. PRESIDENT: I am unwilling to record my vote on the pending question, without explanation. I have many objections to the proposed Constitution. I shall not state all. Among them are the following:

1st. The apportionment, and manner of electing the General Assembly, meets with my most positive disapprobation. The innovation upon long-established usage, is too sudden and too great. Permitting the people of one county to elect a representative for another, may produce much local mischief, and can do no possible good.

2d. Against a portion of the franchise, I beg leave to enter my most solemn and earnest protest. I felt that I had made a long stride, when I could consent to enfranchise that portion of our male citizens so recently emerged from bondage; and I thought, and still think, that charity, and every spirit of compromise, should not have sought to withhold it from those who lost everything in a ruinous struggle, and now come back, in good faith, to renew their allegiance to the Federal Government. For myself, while extending suffrage to the one class, I could not have it in my heart to disfranchise those men who could have been no more guilty than myself, and are, perhaps, no less repentant. It would be unnatural and cruel in me to propose the disfranchisement of those who have shared, with me, the perils, and privations, and hardships of war. In my heart of hearts, I love them. *I cannot help it. I would not, if I could.* And I desire that they should love the Government, and be treated with every possible clemency.

3d. I had hoped that provision would be made for separate schools. I think the necessity growing out of our state of society, and our habits of thought, and the difference of races, makes it imperative. But I would not have asked more money to be appropriated to the one than the other.

4th. I object, most seriously, to that portion of the Constitution which provides for only a poll-tax for school purposes; and I do not think the financial system, proposed, will be a success.

5th. That portion of the Constitution which provides, as I understand it, that no person but electors shall be qualified to sit upon juries, strikes at the very foundation of a republican government. It denies to the citizen the right to be tried by his peers. It might be the means, in the midst of a great excitement, of causing the most irreparable wrong. I desire to record my strongest disapprobation of it.

6th. I object to that portion which gives unlimited interest to the money loaned in these hard times, when our people are staggering under an accumulated load of debt and misfortune. With the additional weight of two bad-crop years upon them, their necessities put them in the hands of the merciless money-changers; and their whole property may be swallowed up, and they reduced ~~to~~ that most miserable of all bondage, that of enslavement to their creditors. It will divert capital from public improvement, and put it in the channel of private speculation and individual oppression.

7th. I object to the banking system incorporated in the Constitution; but have not limit to state my views thereon.

And yet, with all these objections staring me in the face, when I think what this Constitution has cost us,—say seventy-five thousand dollars,—with no hope of getting a better; and with the possibility of getting a worse one, and one hundred thousand dollars more of expense, if the matter were re-opened,—when I think of this, I say, and of the abject poverty of the people, and of their yearning for permanent peace, and a refuge from constant and indefinable dreads—and when I think that these obnoxious things may be changed, and *must* be changed, hereafter,—I am constrained to vote Yea. In voting, then, I simply desire that the Constitution may go before the people; and if they dislike it, let them spurn and tread it under their feet. If they approve and endorse it, I shall be content. I can live under it, with them, and bear my portion of the burdens or calamities it may entail, or share whatever of blessings it may bring. But, taken as a whole, if freed from these objections, I regard it as decidedly the best Constitution ever offered to our people.

George W. McCown.

CERTIFICATES OF PAY AND MILEAGE.

Mr. HODGES, of Pulaski, moved that the Convention adjourn to 10, A.M., of Thursday, February 13th.

Mr. GANTT asked that the motion might be withdrawn, to enable him to offer an inquiry concerning members' certificates of pay and mileage.

Mr. HODGES not insisting upon his motion,

Mr. GANTT said that some members desired to return to their homes before the time of adjournment of the session, and some question had been suggested as to their title to certificates. He had understood that the certificates were to be issued in alphabetical order. That course was not pursued. There might be some reason for the departure from that order; if so, he wished to know it. He desired, also, an understanding how the certificates were payable.

The PRESIDENT replied, that the certificates were endorsed, in substance, as payable out of any funds, arising from taxation, that might come into the Treasury after the date of passage of the "Ordinance raising revenue."

Mr. GANTT then insisted upon information as to the departure from alphabetical order, in making out the certificates.

Mr. HODGES, of Pulaski, stated that he had called for his own certificates, and was unable to obtain them, for the reason that his name had not been reached in alphabetical order.

Mr. GANTT said, his name, and that of the gentleman from White [Mr. Cypert], were before that of the gentleman from Pulaski [Mr. Hodges]; and they had neither of them, as yet, been able to obtain their certificates, though some had been issued to gentlemen whose names began with the letters W and S.

Mr. JOHNSON made a similar complaint.

The PRESIDENT stated that he had just signed certificates for certain gentlemen whose names were on the earlier portion of the alphabetical list, which certificates had been presented to him in alphabetical order.

LEAVE OF ABSENCE.

Mr. CYPERT asked leave of absence, to take effect on the morrow morning.

CERTIFICATE OF PAY AND MILEAGE—RESUMED.

Mr. HODGES, of Pulaski, moved that the gentleman from White [Mr. Cypert] be granted leave of absence, and that the Secretary be instructed to issue his certificate at once; and, further, that the Secretary be permitted to issue at once, to any member, desiring leave of absence, his certificate.

Mr. GANTT said he expected, if possible, to leave in the morning, as his presence was required at the session of the courts in which he practised. He did not want the money upon his certificate, but only desired to know if it would be so endorsed that he could get the money from the Sheriff of his County.

The PRESIDENT. The Chair understands, from a statement of the Treasurer, that the certificates would be receivable for taxes. The Chair had no certain information on the subject.

Mr. MOORE. I know it.

LEAVES OF ABSENCE—AGAIN.

Messrs. MOORE, NORMAN, BRADLEY, MATTHEWS, PUNTNEY, DUVALL, HICKS, and ADAMS, respectively, in person or by Mr. Moore, asked that their names might be included in the motion offered by Mr. Hodges of Pulaski, granting leave of absence to Mr. Cypert, and providing for the immediate issue of certificates of pay and mileage to members receiving such leave.

Mr. HODGES, by consent, so amended his motion as to include the names of these gentlemen, and proposed to include, also, that of Mr. Gantt, who had expressed a desire to return home on the morrow.

Mr. GANTT. I want no leave of absence. I am going to stay until the Convention shall adjourn. I am going to discharge my duty as a delegate in full.

Mr. CYPERT explained that a failure to get away on the morrow would, by causing him to lose a trip of the steamboat, detain him for a week longer. It was absolutely necessary that he should speedily return home; and the delay of a week would, in view of the immediate adjournment of the Convention, cause him disproportionate, and too great, inconvenience.

Mr. **DUVALL** stated that he was similarly situated, and that a failure to leave the City in the morning, would subject him to a detention of a week.

Mr. **HICKS** said he would withdraw his request for leave of absence, and remain until Saturday.

Mr. **BROOKS** said he would like, in all cases where leave of absence was desired, to know why leave was wanted. The reason offered by one or two gentlemen, that a failure to leave the city on the morrow must, by causing them to lose one trip of a steamboat, occasion the delay of a week, might be deemed satisfactory. He was, however, opposed to beginning the system of granting leave to every gentleman whose private affairs might render his presence at home desirable. If that constituted sufficient ground for leave of absence, no doubt the entire Convention might with equal propriety be excused.

Mr. **GANTT** agreed with the gentleman from Phillips [Mr. BROOKS.] Members of the Convention owed a duty to themselves, their constituents, and to the State; and, for himself individually, he should oppose any grant of leave of absence. He intended to remain, and do his duty, whether for weal or for woe. Let the result be as it might, he intended to stay here, and discharge the functions of his position, in accordance with the dictates of his better judgment. It would be grateful to him to have the privilege of going home, for his business was suffering from his absence; but he did not ask it, and did not think it ought to be asked.

Mr. **CYPERT** said he could not see that he could be of any service to the Convention. Its business was about finished, and it would probably adjourn to-morrow. Detained, as he would be, for a week longer, unless he should obtain immediate leave, he trusted the Convention would gratify his request.

Mr. **BROOKS** moved, as an amendment to the motion before the Convention, that gentlemen who should obtain leave of absence, should have their accounts drawn up, and should draw pay for such length of time as they should remain.

The **PRESIDENT**. That is already settled.

The question was then taken; and, a division being called for, the motion was agreed to,—Ayes 31, Noes 19.

Pending the vote:

Mr. **HINKLE** objected to the reception of the vote of any gentleman named in the motion.

Mr. BROOKS said it was a matter of taste, whether such gentlemen should or should not vote.

Mr. GANTT asked to have entered upon the records his protest against the granting of the leaves. He could not regard it as right.

Mr. MONTGOMERY desired that his protest, also, against the grant of any leaves of absence, should be entered upon the record.

The vote was then announced as above.

FINAL ADJOURNMENT.

Mr. REYNOLDS moved that the Convention adjourn, *sine die*, at twelve o'clock, noon, of the morrow.

The PRESIDENT decided the motion to be out of order.

Mr. REYNOLDS said he would modify his motion, so as to provide that the Convention adjourn at twelve o'clock, noon, of the morrow,—in accordance with the resolution of the Convention,—subject to the call of the PRESIDENT.

The PRESIDENT suggested that the words, "or VICE-PRESIDENTS," be added.

Mr. REYNOLDS said he intended his motion to be for adjournment of the Convention in accordance with existing resolutions on the subject, whatever they might be.

Mr. HODGES, of Pulaski, said he presumed that the Convention would adjourn whenever its business should be finished, and he presumed that the business would be finished on the morrow; but if it should not be, it would certainly not be desirable to adjourn.

Mr. REYNOLDS said that it would be in the power of the Convention, at any time, to change the date of adjournment.

RECESS.

Mr. McCLURE suggested that the Convention adjourn to two o'clock, P.M., and that such members as might desire to sign the Constitution do so in the afternoon.

Mr. REYNOLDS did not believe the proposition to be germain to his own. It was for a recess.

The PRESIDENT decided that a motion for adjournment to two o'clock would not be in order.

Mr. REYNOLDS did not question that such a motion would be in order as a separate proposition, but not as an amendment to his own.

The PRESIDENT said that, by consent of the Convention, the suggestion would be treated as a motion for a recess to two o'clock, P.M., at which time those desiring to sign the Constitution should do so.

So the question was taken; and the motion was agreed to.

The Convention thereupon took a recess to 2, P.M.

AFTERNOON SESSION.

At 2, P.M., the Convention was called to order.

ABSENTEES—REVOCATION OF LEAVES OF ABSENCE.

Mr. McCLURE offered the following resolution:

Resolved: That the Sergeant-at-Arms be directed to bring in all absent members of the Convention, and that leaves of absence, heretofore given, are hereby revoked.

Mr. HODGES, of Pulaski, hoped the resolution would not be adopted.

Mr. McCLURE advocated the adoption of the resolution. He was advised that some thirty members of the Convention proposed to leave the city; and he had heard it asserted that if leave were not granted, they proposed to leave in any event—that they had remained here "just as long as they were going to remain." Some of these gentlemen said,—"The Constitution is adopted—we may as well go home, now, as to stay here—we are doing no good." He thought the statement was probably true; but the Convention must be governed by some general rule. Another portion proposed to go home and say,—"The Constitution is adopted, and the party in power in the Convention are remaining there, uselessly, at an expense to the State, of ten or twelve hundred dollars per day—*we* have discharged our duty, and have gone home." Such gentlemen as desired to make that kind of capital for themselves, he supposed would oppose the resolution. He wanted all to stay, or none.

Mr. HODGES, of Pulaski, was in favor of so much of the resolution as should provide that no more leaves of absence be granted, and that any member absent without leave should be sent for; but he was not in favor, after leaves of absence had been granted, of revoking the leave, and sending the Sergeant-at-Arms in search of gentlemen, who, under permission of the Convention, had started for home.

Mr. McCLURE [*in his seat*] said that none of those gentlemen were in the City.

Mr. HODGES said that if, as he supposed, the Convention had work yet to do, he proposed to set to work, and would do so by offering a resolution.

Mr. BROOKS called for a division of the question. He would cheerfully vote for a portion of the resolution; but he certainly could not favor the recall of leaves of absence once granted, or the virtual arrest of gentlemen who had simply acted upon those leaves.

Mr. HODGES, of Pulaski, moved to amend the resolution, so as to provide only that no more leaves of absence be granted, and that the Sergeant-at-Arms be sent for such members as were absent without leave.

Mr. MONTGOMERY moved that the amendment lie on the table.

Mr. HODGES, of Pulaski, seconded the motion.

Mr. MONTGOMERY withdrew his motion.

Mr. HODGES objected to the withdrawal of the motion.

Mr. MALLORY moved a call of the house.

The demand for a call of the house was sustained.

Mr. HODGES, of Pulaski, moved that further proceedings under the call be dispensed with.

The question was taken; and a division being called for, the motion was not agreed to.

The SECRETARY proceeded to call the roll.

Pending the call:

Mr. BROOKS said: I observe that a quorum is present; and I therefore move that further proceedings under the call be suspended.

Mr. McCLURE rose to a point of order. The motion had been already made, and voted down.

Mr. BROOKS said that other business had intervened, by the proceedings under the call.

The PRESIDENT. The calling of the roll has intervened.

Mr. McCLURE. That is the execution of the motion itself.

Mr. BROOKS. I ask, if, when a call of the house is ordered, and the call proceeded with, until a quorum, clearly, is present, it is not in order, though such a motion have previously failed, to repeat the motion?

The PRESIDENT. The Chair has already so decided.

Mr. McCLURE. Then I appeal from the decision of the Chair; and on the appeal ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative,—Yeas 32, Nays 20, as follows:

YEAS: Messrs. Bell, Brooks, Dale, Exon, Evans, Hawkins, Hinds, Hinkle, Hollis, Hodges of Crittenden, Hodges of Pulaski, Houghton, Johnson, Kyle, Langley, Mason, Merrick, Misner, Millsaps, McCown, Norman, Portis, Priddy, Rawlings, Rounsaville, Samuels, Smith, Snyder, Van Hook, Walker, Wilson, and Wright—32.

NAYS: Messrs. Belden, Brashear, Corbell, Gantt, Gray of Jefferson, Harrison, Hatfield, Hicks, Hutchinson, Mallory, Montgomery, Murphy, McClure, Sams, Sarber, Shoppach, Sims, White, Williams, and Wyatt—20.

So the decision of the Chair was sustained.

The question recurring upon the motion that further proceedings be suspended,

Mr. McCLURE asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative,—Yeas 29, Nays 26, as follows:

YEAS: Messrs. Beasley, Bell, Brooks, Dale, Evans, Exon, Hinds, Hinkle, Hollis, Hodges of Pulaski, Johnson, Kyle, Langley, Misner, Millsaps, McCown, Oliver, Portis, Rawlings, Reynolds, Rounsaville, Samuels, Smith, Snyder, Van Hook, Walker, Wilson, White, and the President—29.

NAYS: Messrs. Belden, Brashear, Corbell, Gantt, Gray of Jefferson, Harrison, Hatfield, Hawkins, Hicks, Hodges of Crittenden, Hoge, Houghton, Hutchinson, Mallory, Mason, Merrick, Montgomery, Murphy, McClure, Priddy, Sams, Sarber, Shoppach, Sims, Williams, and Wyatt—26.

So further proceedings under the call of the house were suspended.

The question recurring upon the motion to lay the amendment upon the table,

Mr. McCLURE asked for the yeas and nays.

The yeas and nays were ordered.

Mr. REYNOLDS rose to a point of order. Does not a motion to lay the amendment upon the table, carry with it the whole proposition?

The PRESIDENT. It is equivalent to a motion to table the resolution.

The question was taken; and it was decided in the affirmative,—Yeas 34, Nays 24, as follows:

YEAS: Messrs. Beasley, Belden, Bell, Brashear, Brooks, Corbell, Dale, Evans, Exon, Gray of Phillips, Hatfield, Hawkins, Hinds, Hinkle, Hodges of Crittenden, Hodges of Pulaski, Hoge, Houghton, Johnson, Kyle, Langley, Misner, Millsaps, Portis, Priddy, Rawlings, Reynolds, Sams, Smith, Snyder, Walker, Wyatt, Wright, and the President—34.

NAYS: Messrs. Coates, Gantt, Grey of Jefferson, Harrison, Hicks, Hollis, Hutchinson, Mallory, Mason, Merrick, Montgomery, Murphy, McCown, Mc-

Clure, Oliver, Rounsaville, Sams, Sarber, Shoppach, Sims, Van Hook, Wilson, White, and Williams—24.

So the resolution was laid upon the table.

Pending the call of the roll:

Mr. McCLURE moved a call of the house.

Mr. HODGES, of Pulaski, expressed his disapprobation of the course of members, in their parliamentary action on this question.

Mr. MONTGOMERY rose to a point of order.

Mr. HODGES censured the gentleman from Hempstead [Mr. MONTGOMERY] for participation in the proceedings to which he had referred.

Mr. McCLURE called Mr. HODGES to order, and insisted upon the call of the house.

The PRESIDENT. The call is not sustained.

Mr. McCLURE. If the President will distinctly call for an expression of the will of the Convention, the call will be sustained.

Mr. MISNER. Let no man rise who wants to get his certificate this evening. That is what the gentleman is working for.

The call was sustained, but

By consent, the vote, by yeas and nays, upon the motion to lay upon the table was proceeded with. The number of members changing their votes was such as to confuse the record, and a new vote was ordered, pending which:

Mr. BROOKS (when his name was called) said: I am anxious that we should go forward, as promptly as may be, with the business of the Convention, and in this way secure the earliest practicable adjournment. If this vote be decided in the negative, and we proceed to adopt the resolution, we may send from here to Ashley County, before we can transact any further business. I vote Aye.

Mr. MALLORY (when his name was called) was understood to say, in substance: A misunderstanding exists in relation to this matter; and I will explain my vote. If the original resolution shall be adopted, we can then send after those who have left the City: But the amendment proposed, confines the order to those who have not had leave of absence, and if carried, the resolution will not affect those who have gone. I vote No.

EXPENSES OF THE CONVENTION—AGAIN.

The PRESIDENT laid before the Convention a communication from HENRY PAGE, Treasurer of State, transmitting the correspondence between himself and the General Commanding Fourth Military District, relative to the payment of the Convention.

The PRESIDENT. There is a resolution already on the table, relating to the same business.

Mr. HODGES, of Pulaski, moved that the communication be received and be spread upon the Journal.

The question was taken; and the motion was agreed to.

[From circumstances beyond the control of the SECRETARY, the communication does not appear upon the Journal.—REPORTER.]

Mr. HODGES, of Pulaski, offered the following resolution:

Resolved: That Colonel HENRY PAGE, Treasurer of State, be requested to telegraph to General GILLEM, commanding Fourth Military District, for an order directing the Auditor to draw his warrant for the payment of all expenses of the Convention.

The question was taken; and the resolution was adopted.

LEAVES OF ABSENCE—ABSENTEES.

Mr. McCLURE offered the following resolution:

Resolved: That all leaves of absence granted to members of this Convention, who have not left this city, are hereby revoked, and the Sergeant-at-Arms be ordered to bring such members before the Convention.

The question was taken, and the resolution was adopted.

The PRESIDENT directed the Sergeant-at-Arms to proceed with the discharge of his duty, in accordance with the requirement of the resolution.

PAY AND MILEAGE OF ASSISTANT SECRETARIES.

Mr. BELL offered the following order:

Ordered: That the FIRST and SECOND ASSISTANT SECRETARIES be allowed the pay and mileage for each thirty miles travelled, the same as delegates, from their respective counties.

Mr. KYLE. I have never known that done, in any deliberative body. I would be quite as willing that these gentlemen should have mileage, as any, if it were customary. They are good officers, and have performed their duties well. That is all true; and they deserve the thanks of the Convention; but the course proposed is unusual. It is customary for candidates to come to the Capital and take their chances, and if elected, get their *per diem.*

Mr. CYPERT. Like the gentleman from Dallas [Mr. KYLE], I am as willing that these gentlemen should be paid mileage, as any other; but it does seem to me entirely unprecedented. They were not forced to come here; and gentlemen residing in the City could have been procured to do the work, and could have been so procured had these gentlemen not been applicants. They took their chances, when they came here, seeking their positions. Their per diem has not necessarily been fixed beyond alteration. I presume that could be increased. But it is unprecedented to give them mileage; when they were under no obligations to come.

Mr. MALLORY. I move, as a substitute, that the persons named receive a vote of thanks of the Convention, in lieu of mileage.

Mr. GANTT. I object to the motion.

Mr. HODGES, of Pulaski. I would ask if it is not in order.

The PRESIDENT. The gentleman has raised no point of order. The Chair understands him simply to express himself opposed to the amendment.

Mr. GANTT. Mileage is substantial; and the thanks of the Convention will not repay the gentlemen. I should regard it, were I one of the Secretaries, as an empty compliment.

Mr. BELL. I think the most proper method of voting our thanks, is by allowing the gentlemen mileage.

The PRESIDENT. The Chair is authorized to state that the SECRETARY declines any vote of thanks.

The SECOND ASSISTANT SECRETARY, by consent, said: I do not wish any addition to my pay. I think the Convention has paid us well for what we have done. [Applause.]

The question was taken; and the substitute was adopted.

After some inquiry as to the nature of the proposition adopted by the Convention, in the course of which

Mr. HODGES, of Pulaski, said he would be pleased to add to the compensation of the officers in question, but that he considered it impolitic, at this stage of the session, to set a precedent of the kind, which might give rise to similar motions in favor of others,

APPOINTMENT OF BOARDS OF CODIFICATION.

The PRESIDENT announced the following Boards of Commissioners, appointed under the resolution passed in pursuance of the provisions of Article XV, Section 11, of the Constitution:

To Revise and Re-arrange the Statute Laws of the State: Messrs. O. P. SNYDER, JOHN MCCLURE, and CLIFFORD STANLEY SIMS.

To Prepare a Code of Practice: Messrs. B. F. Rice, James Hinds, and J. N. Sarber.

Mr. McCLURE requested that some other name might be substituted for his.

Mr. SARBER moved that Mr. McClure be excused.

The PRESIDENT. The Chair will take the matter under consideration.

VACANCIES IN BOARDS OF CODIFICATION.

Mr. HINDS offered the following resolution:

Resolved: That should any one or more of the Commissioners, appointed to codify and arrange the laws, resign, die, or otherwise become disqualified to act, the balance of the Commission shall have power to appoint a suitable person, or persons, to fill the Commission.

The question was taken; and the resolution was adopted.

EXPENSES OF THE CONVENTION—AGAIN.

The PRESIDENT laid before the Convention the following communication from Henry Page, Treasurer of the State:

Treasury of the State of Arkansas,
Little Rock, February 12, 1868.

Genl. Thos. M. Bowen,
President Constitutional Convention.

Sir: The Auditor will issue warrants for all expenses of Convention, for which proper certificates are presented, upon excess of fifty thousand dollars. Have telegraphed to General Gillem, requesting him to authorize the Auditor's warrant, endorsed by Treasurer, to be received for all taxes.

Respectfully,
Your ob'd't servant,
Henry Page,
Treasurer.

Mr. HODGES, of Pulaski, moved that the communication be spread upon the Journal.

The PRESIDENT. The Treasurer has already endorsed the warrants in the manner stated. The Chair supposes he thought an order would strengthen the matter. It is probably as good, now, as it can be.

PRINTING OF MEMORIALS AND ORDINANCES.

Mr. HINDS offered the following resolution:

Resolved: That five-hundred copies of all memorials and ordinances be printed for the use of the members of this Convention.

The question was taken; and the resolution was adopted.

Mr. HODGES, of Pulaski, moved that the Convention adjourn to ten, A.M., of Thursday, February 13th.

The question was taken; and the motion was agreed to;

And thereupon, at 4.30, P.M., the Convention adjourned to 10, A.M., of Thursday, February 13th.

THIRTIETH DAY.

THURSDAY, *February 13th*, 1868.

Convention met, pursuant to adjournment, at 10, A.M.

Prayer was offered by the Chaplain.

The roll was called; and the following members answered to their names:

Messrs. Adams, Beasley, Belden, Bell, Brashear, Brooks, Corbell, Dale, Evans, Exon, Gantt, Gray of Jefferson, Harrison, Hatfield, Hawkins, Hicks, Hinds, Hinkle, Hollis, Hodges of Crittenden, Hodges of Pulaski, Hoge, Houghton, Hutchinson, Johnson, Kyle, Langley, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McCown, McClure, Oliver, Portis, Priddy, Rawlings, Rector, Reynolds, Rounsaville, Sams, Samuels, Sarber, Scott, Shoppach, Sims, Smith, Snyder, Van Hook, Walker, Wilson, Williams, Wright, Wyatt, and the President.

A quorum of the members of the Convention having answered to their names,

And the reading of the Journal having, by consent, been deferred:

ELECTION FOR RATIFICATION OF THE CONSTITUTION.

[The PRESIDENT caused to be spread upon the Journal the following communication addressed by him to Brevet Brig. Gen. C. H. SMITH, commanding Sub-District of Arkansas:

HALL CONSTITUTIONAL CONVENTION,
LITTLE ROCK, February 11th, 1868.

BRIG. GENL. C. H. SMITH,
Comdg. District Arkansas,—

SIR: I have the honor to notify you that at the hour of two o'clock this morning, the Constitution, its Schedule, and Elective Ordinance, was adopted by the Convention. The day fixed for the commencement of the election, is the 13th day of March, A. D. 1868. You are respectfully requested to notify Genl. GILLEM, Commanding 4th Military District, by telegraph.

Very respectfully,
Your obedient servant,
THOMAS M. BOWEN,
President of the Convention.]

The PRESIDENT laid before the Convention the following telegram, from Headquarters Fourth Military District, addressed to Brevet Brigadier General C. H. SMITH, commanding Sub-District of Arkansas, and by him communicated to the PRESIDENT.

COPY.

VICKSBURG, MISS., February 12th, 1868.

To General C. H. SMITH.

"If Convention has not adjourned, cannot time of beginning election be extended until April 1st. Is it possible for you to get Registrars selected and organized as boards, in time to revise the list fourteen days preceding the election? See Section Seven of law published in General Orders Seventy-one (71)."

(Signed) JOHN TYLER,
A. A. G.

Endorsed as follows:

HEADQUARTERS SUB-DISTRICT OF LITTLE ROCK, ARK.,
February 13th, 1868.

Respectfully referred to Honorable THOMAS M. BOWEN, President Constitutional Convention, for the action of the Convention. To be returned. By command of Bvt. Brig. Genl. C. H. Smith:

(Signed) S. M. MILLS,
First Lieut. and Adjutant 28th Inf., A. A. A. G.

Mr. BROOKS. I move you that the PRESIDENT of the Convention be authorized to respond to the despatch, informing the General commanding that the time of the election is fixed by the Constitution, and has been published to the State.

Mr. McCLURE. Does the Convention refuse?

Mr. BROOKS. It is impracticable for the Convention to comply. We have adopted the Constitution; it is signed, sealed, delivered, and published to the world.

Mr. HOGE. Do I understand that to be a request from the General commanding?

The PRESIDENT. It is a communication from the commanding General of the District, to General SMITH.

The question was taken; and the motion was agreed to.

[In compliance with the order of the Convention, the PRESIDENT returned the following response, to the communication of the telegram to Brevet Brig. Gen. C. H. SMITH, commanding Sub-District of Arkansas; which response the PRESIDENT caused to be entered upon the Journal:

HALL CONSTITUTIONAL CONVENTION,
February 13th, 1868.

Respectfully returned. The Convention declines to change the time of holding election, which is fixed in the Constitution itself. Notice of election sent all over State. General SMITH can reach every part of the State through the delegates, who leave to-morrow.

THOMAS M. BOWEN,
President Convention.]

QUALIFICATION OF MR. RATCLIFFE.

Mr. GANTT. I hold in my hand the credentials of Mr. H. W. RATCLIFFE, delegate from Randolph County; and move that he be sworn as a delegate to this Convention.

Mr. McCLURE. I move that the credentials be referred to the Committee on Elections. I am desirous to know why the gentleman has not before presented himself.

Mr. GANTT stated that the sickness of the gentleman himself, and of his family, had prevented his earlier attendance. At the time when it was necessary for him to start, he was confined to his bed. On his way to Little Rock, he was again attacked by illness, and was thus detained to the present time.

Mr. McCLURE. Did he dilly-dally?

Mr. GANTT. No, sir;—I announce that positively.

Mr. McCLURE. Then I withdraw my motion.

No objection being made,

Mr. RATCLIFFE appeared in his seat, and the prescribed oath of office was duly administered by the PRESIDENT.

PAY OF DEPUTY SHERIFFS—AGAIN.

The PRESIDENT. The Chair will call the attention of the Convention to the fact that a communication was, some time ago, sent from Military Headquarters, in relation to the pay of certain Deputy Sheriffs, for services rendered at the late election. It was requested that the papers be returned.

Mr. McCLURE. The Committee on Finance had before them a large number of such accounts; action was taken upon them, and the Convention adopted the Report of the Committee, setting forth that such charges did not properly belong to the expenses of the Convention. If the President of the Convention would take the Report of the Committee, as by the Convention adopted, and endorse that on all the claims, it seems to me it would dispose of the whole matter.

FINANCES OF THE STATE—AGAIN.

Mr. HODGES, of Pulaski, moved that the Report of the Committee on Finance, etc., on the condition of the finances of the State, submitted February 5th, be taken up, and adopted.

Mr. REYNOLDS. I would like to have that Report read, in order that we may know what report it is that we are to vote on.

The PRESIDENT. The Report is already before the Convention.

Mr. REYNOLDS. I ask for the reading of the Report, for information. I cannot vote without knowing what it is.

Mr. HODGES, of Pulaski. I would say that the Report has been before the Convention, and was discussed for a whole day. I hold a printed copy of it in my hands.

Mr. REYNOLDS. Notwithstanding that, the privilege of members still is, to have the document read for information.

The PRESIDENT. The Chair believes the rule to be that if a document is once read, the consent of the Convention is required, for a second reading. The rule seems to be somewhat explicit.

Mr. REYNOLDS. I believe I have a right to call for a reading, at any time.

The PRESIDENT. The Chair is of a contrary opinion; but the shortest way will be to have the Report read.

The SECRETARY read the Report [printed on pp. 485 *et seq.*]

Mr. REYNOLDS asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken on the adoption of the Report; and it was decided in the affirmative,—Yeas 40, Nays 12, as follows:

YEAS: Messrs. Belden, Brashear, Brooks, Dale, Evans, Exon, Gray of Jefferson, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hodges of Crittenden, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Kyle, Langley, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Priddy, Ratcliffe, Rawlings, Rector, Rounsaville, Sams, Samuels, Sarber, Sims, Smith, Snyder, White, and the President—40.

NAYS: Messrs. Adams, Coates, Corbell, Gantt, Hicks, Hoge, Portis, Reynolds, Shoppach, Van Hook, Walker, and Wright—12.

So the Report was adopted.

Pending the call of the roll:

Mr. MASON (when his name was called) said: I vote Aye; excepting, however, to the language used in some places.

Mr. MASON subsequently sent to the SECRETARY's desk the following explanation of his vote, which he asked to have spread upon the Journal:

I vote Yea, but wish to record the following objections:

1st. The expression of the *opinion* of the Committee upon the object in establishing the Banks, and the way in which the funds were spent, is, in my opinion, inappropriate in this connection.

2d. The clause saying, "That we find the men who have been guilty of these most atrocious crimes," &c., &c. I object to judging men before they have been tried.

PENITENTIARY—AGAIN.

Mr. HINDS. I move the adoption of the Majority Report of the Committee on the Penitentiary; and on that motion I move the previous question.

Mr. REYNOLDS asked for the yeas and nays.

The vote was taken upon the question,—Shall the main question be now put? and the main question was ordered.

The question was then taken on the adoption of the Majority Report; and it was decided in the affirmative,—Yeas 35, Nays 16, as follows:

YEAS: Messrs. Belden, Brashear, Brooks, Coates, Dale, Evans, Exon, Gray of Jefferson, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Houghton, Hutchinson, Johnson, Kyle, Langley, Merrick, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Portis, Rawlings, Rector, Sams, Samuels, Sarber, Sims, Smith, Snyder, and Van Hook—35.

NAYS: Messrs. Adams, Beasley, Corbell, Gantt, Hicks, Hodges of Crittenden, Hoge, Mason, Portis, Ratcliffe, Reynolds, Shoppach, Walker, Wilson, White, and Wright—16.

So the Majority Report of the Committee on the Penitentiary was adopted.

Pending the call of the roll:

Mr. CORBELL asked to be excused from voting.

Objection being made,

Mr. CORBELL voted No.

The vote was then announced as above.

Mr. WHITE moved that the Minority Report also be adopted.

Mr. HINDS. Will it be in order to adopt the Minority Report, after the adoption of the Report of the Majority?

The PRESIDENT. Are the reports conflicting?

Mr. McCLURE. Somewhat.

The PRESIDENT. The Chair is inclined to the opinion that the motion is out of order. So far as the adoption of the Reports is concerned, the adoption of the Majority Report ends the matter.

ASHLEY COUNTY ELECTION—AGAIN.

Mr. HINDS. The Ashley County case has not been disposed of. I move the adoption of the Majority Report of the Committee on Elections, on that subject; and on that motion I move the previous question.

The vote was taken on the question,—Shall the main question be now put? and the main question was ordered.

Mr. GANTT. I will state that there is no necessity for the previous question, this morning. There will be no debate.

I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative,—Yeas 35, Nays 13, as follows:

YEAS: Messrs. Belden, Brashear, Brooks, Dale, Exon, Gray of Jefferson, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hodges of Pulaski, Hutchinson, Johnson, Kyle, Langley, Merrick, Millsaps, Montgomery, Murphy, McClure, Oliver, Portis, Priddy, Rawlings, Rector, Sams, Samuels, Sarber, Sims, Smith, Snyder, White, Williams, and the President—35.

NAYS: Messrs. Adams, Corbell, Gantt, Hicks, Hollis, Hoge, Misner, Ratcliffe, Reynolds, Shoppach, Walker, Wilson, and Wright—13.

So the Majority Report of the Committee on Election, on the subject of the Ashley County Election, was adopted.

Pending the call of the roll:

Mr. BEASLEY (when his name was called) asked to be excused from voting, as he did not know the nature of the Report.

Mr. BEASLEY was excused.

Mr. VAN HOOK (when his name was called) asked to be excused from voting.

No objection being made,

Mr. VAN HOOK was excused.

The vote was then announced as above.

PUBLICATION AND DISTRIBUTION OF DEBATES AND PROCEEDINGS.

Mr. BROOKS offered the following order:

Ordered: That the Secretary of this Convention superintend the printing of the Official Journal and Debates of this Convention; and that for his services in copying said Journal and Debates, reading proof-sheets, and distributing the volumes, he be allowed such reasonable customary fees as the President of this Convention may award him therefor.

Ordered: That the Secretary be authorized to employ a suitable person to prepare a full index to the Journal and Debates, at the usual compensation for such services.

Ordered: That one thousand copies of the Official Journal and Debates of this Convention be printed, and distributed to the several Counties of this State in the ratio of their representation in this Convention.

Ordered: That the Secretary have five copies of said Official Journal and Debates neatly bound for each delegate and officer of this Convention, and shall transmit such copies to such delegates and officers, by mail, as soon as practicable; and that copies, similarly bound, shall be furnished as follows: To the Supreme Court Library, five copies; to the office of the Secretary of State, for permanent preservation and reference, twenty copies; and to each of the several public libraries in the United States, one copy each.

The question was taken; and the order was passed.

Mr. GANTT presented the following Ordinance:

AN ORDINANCE CONCERNING PRINTING.

Be it ordained by the people of Arkansas in Convention assembled:

That all printing which has been, or may be, authorized by any ordinance or resolution of this Convention, shall be executed within the limits of the State of Arkansas; and that no money shall be paid out of the public Treasury, for any such printing which shall be executed without the limits of this State.

Which was read a first time.

Mr. HINDS moved that the Ordinance be referred to the Committee on Printing.

Mr. GANTT moved that the rules be suspended, and the Ordinance placed upon its second reading.

The PRESIDENT entertained the latter motion.

The question was taken; and the motion was agreed to.

The Ordinance was read a second time.

Mr. GANTT. I now move that the Ordinance be placed upon its third reading.

Mr. HODGES. I move, as an amendment, that it be referred to the Committee on Ordinances.

Mr. GANTT. A considerable amount of printing will be required, and it will involve the payment of a good deal of money; and if there is any benefit in circulating the funds among the people, I think we ought to have the benefit of it. I do not desire to occupy the attention of the Convention in elaborating that proposition. The circulation, among the people of Arkansas, of the funds expended for this printing, would be a blessing to them; and it will be but returning to the pockets of the people the money taken from their pockets.

The PRESIDENT. The motion to refer is not debatable. Debate is permitted only by consent.

The question was taken; and, a division being called for, the motion to refer was not agreed to.

Mr. HODGES, of Pulaski. I now move to lay the Ordinance upon the table.

Mr. BROOKS. We are heartily in favor of all home institutions, and the attraction of capital to Arkansas, as well as the distribution and circulation of capital in the State. But we are not in favor of attempting, by legislative enactment, or by authority of a resolution of this kind, to restrict or control any gentleman or firm holding a contract. It is their privilege and right, on every just principle, to have this contract executed in London, if they please, so it be well done. It is a matter in regard to which we ought not to attempt the exercise of any control whatever. We can never regulate matters of that kind by legislation—the attempt to do so, is a violation of every principle of business.

Mr. GANTT asked for the yeas and nays.

The yeas and nays were ordered.

Mr. McCLURE. I would suggest that, having contracted with the Printer, for a specified price, we have no right to dictate to him further terms, regarding the manner in which we shall procure the execution of his contract.

The PRESIDENT. The Chair is inclined to consider the point well taken. The Chair will state to the gentleman from Prairie [Mr. GANTT], that the Convention has already, by its own action, entered into a contract; and for it now to attempt to regulate the action of the contractor, acting within the limits of his contract, would, it seems to the Chair, be out of order.

Mr. GANTT. If this Convention possesses the power, under the law and the Constitution, to appoint a Public Printer, it certainly has a right to control his action. I appeal from the decision of the Chair; and upon that appeal I will call for the yeas and nays.

The PRESIDENT. The Chair will state that, in the opinion of the Chair, the contract concludes all these questions, and that the object sought could not be reached without a reconsideration of the order providing for the contract.

The yeas and nays were ordered.

The vote was taken on the question,—Shall the decision of the Chair be sustained? and it was decided in the affirmative,—Yeas 26, Nays 20, as follows:

YEAS: Messrs. Belden, Coates, Exon, Gray of Jefferson, Harrison, Hatfield, Hawkins, Hinds, Hinkle, Hodges of Crittenden, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Kyle, Langley, Murphy, McClure, Oliver, Rawlings, Rector, Rounsaville, Sams, Samuels, Snyder, and Van Hook—26.

NAYS: Messrs. Adams, Beasley, Brooks, Corbell, Dale, Gantt, Hicks, Hoge, Mason, Misner, Montgomery, Portis, Priddy, Ratcliffe, Reynolds, Shoppach, Sims, Walker, White, and Wright—20.

So the decision of the Chair was sustained; and the further consideration of the Ordinance was ruled out of order.

Pending the call of the roll:

Mr. BROOKS (when his name was called) said: I ask the privilege of a moment's explanation. I am utterly opposed to this proposition to control the action of the Printer under his contract; but as upon the question of order, I beg to differ from the Chair.

The PRESIDENT. The Chair decides upon the ground that, the Convention, having already acted, and made the contract, it has no right, without reconsidering that action, to interfere with the execution of the contract.

Mr. BROOKS. I think that correct, considered as a principle to guide our action; but not as a rule of parliamentary law. I submit this view with all deference.

Mr. EVANS (when his name was called) said he was unacquainted with the question before the Convention, and asked to be excused.

No objection being made,

Mr. EVANS was excused.

Mr. MONTGOMERY (when his name was called) said: Do I understand the Ordinance to change the contract, or only to require the printing done in the State?

The PRESIDENT. The Ordinance interferes with the action of the Printer. The decision of the Chair has been based upon the supposition that the Printer has a right under his contract.

Mr. SMITH (when his name was called) said: This is a question about which my mind is not clear. I therefore ask to be excused from voting.

No objection being made,

Mr. SMITH was excused.

Mr. WILSON (when his name was called) asked to be excused from voting.

No objection being made,

Mr. WILSON was excused.

The vote was then announced as above.

REMOVAL OF POLITICAL DISABILITIES—AGAIN.

Mr. HINDS, from the Special Committee appointed to prepare a memorial to Congress, asking the removal of the disabilities of citizens who advocated reconstruction, stated that the Committee had prepared a memorial, which they would submit.

Mr. EXON moved that the Convention adjourn to ten, A.M. of the morrow.

ADDITIONAL COMPENSATION OF ASSISTANT SECRETARIES.

Mr. HODGES, of Pulaski, asked that the motion might be withdrawn.

Mr. EXON not insisting upon his motion,

Mr. BEASLEY offered the following resolution:

Resolved: That in consideration of the extraordinary work performed by Mr. H. ST. JOHN, ASSISTANT SECRETARY, he be paid ten dollars per day, instead of eight.

Mr. GANTT. I think that the name of Mr. WRIGHT, Second Assistant Secretary, should be added; and I offer that proposition as an amendment.

The question was taken; and the amendment was agreed to.

Mr. GANTT. I will state, in support of the motion now upon its passage that, so far as I am individually concerned, I think it right and proper that the proposed extra allowance should be made. As is well known to every member of the Convention, I have steadily opposed not only appropriations, but every ordinance and resolution providing for a payment to delegates or to officers. But, in opposition to my vote, appropriations have been made. The Ordinances fixing the pay of delegates and officers have passed; and in view of the fact that the payment has to be made, I feel, for one, that it is right and proper that the member of this body, whether officer or delegate, who has the labor to do, should be paid for it. That an immense amount of labor has been imposed upon the Secretaries of the Convention, is unquestionably true. I feel, and I am gratified to feel, that in a matter of this sort, I can ignore any party prejudices or dislikes. I am disposed to mete out even-handed justice. Yesterday, this question, in one shape, was before the Convention; and I favored the grant of extra compensation. I favor it to-day. And I opposed a proposition offered in lieu thereof, to pass a vote of thanks of the Convention. I opposed the amendment offering thanks, instead of money, to the Secretaries, for the reason that, upon principle, I am opposed to tendering thanks to the presiding officer, or to the other officers, of a deliberative body. They have duties to perform; and if they have performed their duties, they will at least receive the kindest regards and respect of those associated with them. And I feel that not only myself, but every other delegate upon this floor, has undertaken to do, and whether he has done it or not, his purpose has been to do, his whole duty; and I should, for one, feel as much that it was necessary to tender a vote of thanks to the members of the Convention, for the manner in which they have discharged their duty, as to either the presiding officer or the Secretaries. The Secretaries, however, in point of fact, have discharged their duties; they have discharged them faithfully. Those duties have been onerous; and, in my humble judgment, the pay already given them does not compensate them for the labor they have performed. I desire the passage of this resolution. I desire to record my vote in its favor. How my political friends will feel in the matter, I am unable to say; but I certainly hope they will agree with me in the proposition that, under all the circumstances, it is right to pay, for their labor, the gentlemen who have discharged these onerous duties.

Mr. SMITH. These gentlemen, our Secretaries, have done a great deal of work. They have worked a great number of hours each day. They have, as I believe, been faithful in the discharge of all their duties; and I hope the resolution now pending, will pass the Convention.

The question was taken; and the resolution was unanimously adopted.

COMMITTEE ON ENGROSSMENT OF THE CONSTITUTION.

Mr. SIMS offered the following resolution:

Resolved: That the PRESIDENT of the Convention appoint a Committee of three, whose duty it shall be to compare the engrossed copies of the Constitution with the Report of the Committee on the Constitution, its Arrangement and Phraseology, and to correct any errors or omissions which may be detected.

The question was taken; and the resolution was adopted.

REMOVAL OF POLITICAL DISABILITIES—AGAIN.

Mr. HINDS. I wish to give notice that if any gentlemen wish additional names placed upon the Memorial praying the removal of political disabilities of citizens who have aided reconstruction, I would be glad to learn the fact.

QUESTION OF PRIVILEGE.

Mr. KYLE, by consent, rose to a question of privilege. The worthy and venerable Governor of the State had brought to his notice the case of a very estimable lady, in the vicinity, burdened with the support of two or three children, who had had the misfortune to have had her house burned, and whose case he recommended to the benevolence of members of the Convention.

Mr. PRIDDY added that the lady's husband had died in the service.

Mr. JOHNSON. I would inquire whether she is colored or white.

Mr. KYLE. White.

Mr. JOHNSON. I move that the Convention help all needy women.

The PRESIDENT. It is merely a suggestion that is offered.

Mr. LANGLEY moved that the Convention adjourn to ten, A.M., of Friday, February 14th.

The question was taken; and the motion was agreed to;

And thereupon, at 11.30, A.M., the Convention adjourned to 10, A.M. of Friday, February 14th.

THIRTY-FIRST DAY.

FRIDAY, *February* 14*th*, 1868.

Convention met, pursuant to adjournment, at 10, A.M.

The PRESIDENT, on calling the Convention to order, stated that the Chaplain desired permission to address a few remarks to the Convention.

ADDRESS BY THE CHAPLAIN.

Rev. Mr. HYDE, CHAPLAIN to the Convention, then addressed the Convention as follows:*

Mr. President, and Gentlemen of the Convention: By your permission, I think it is befitting for me, and due you, before we part, to make a few remarks by way of compliment.

I am thankful to you, for the honor you conferred upon me, in electing me Chaplain of this honorable body.

Additional thanks are due you for the respect and courtesy that you have manifested towards me while trying to exercise the functions of the honorable position bestowed upon me. And it may be that some of you would like to know your Chaplain's ideas relative to the Constitution.

Well, gentlemen, I am not a politician, and I do not mean to try to make a political speech at this time; but I do not think that it would be trespassing upon my ministerial dignity to say, I believe it to be a good document (if you will allow me the term), and one of the best of its kind ever produced in this capitol. It promises more to the people. And I would say, to our antagonistic friends, that there has been "a good thing come out of 'Nazarus;'" [Laughter] and we would say to them, as Philip did to Nathaniel, to come and see. And, gentlemen of this Convention, as your Chaplain, I think that you have done a noble work, one that you never need be ashamed of or disown, now, or when you are summoned before the Judiciary of heaven. And I believe your names will go down to posterity among the good and great men of the nineteenth century. And as we are about to separate, and return to our homes, and take a part in the campaign, gentlemen, I would advise (if you will not think it too conspicuous in me) to move calmly and conscientiously before the people. In this matter of so great magnitude, nothing should be said intentionally to excite the passions of the people. And as the conflict of arms is over (and we hope forever, in this country), and the conflict of principles still exists, whose most successful weapons are reason, and logic, and love,—and the field upon which these battles are to be fought is, the stump, the press, and ballot-box,—therefore I would suggest that we take these weapons in one hand, and the Constitution in the other, and meet our enemies on all these fields, and fight it out on this line (unless compelled to resort to other means in self-defence.) And I believe, gentlemen of the Convention, if this proposed Constitution is honestly and plainly placed before the citizens of Arkansas, telling them what it promises to them and their children, I have faith enough in the masses of the people, to believe they know what is for their best interests, financially and intellectually; and, I further believe that they will rally with us and sustain it, and it will be ratified and adopted as the organic law of the State of Arkansas.

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* The Reporter was not present during the delivery of these remarks by the Chaplain; and they are given from MS. subsequently furnished by that gentleman, at the request of the Reporter and others.

And, gentlemen, I have been praying for it; and you and I are going to continue to pray that God's blessing may rest upon you.

Let us pray.

O thou great and all wise God, in whose hands are the destinies of all men, we would once more, and perhaps for the last time, under these peculiar circumstances, implore thee to let thy blessings rest upon the members of this Convention; and, while we are about to separate and return to our homes and families, we pray that thine arms of love, and mercy, and protection, may be spread around them, that their lives may be spared during the campaign before the people, and they see the fruits of their unwearied labors in the future. And we pray God to sustain us all in the great work of humanity, so that when it is ours to die, the world may be better by us having lived in it. And, finally, gather us all to the home of the blessed, in Christ, our Redeemer. Amen.

The roll was then called, and the following members answered to their names:

Messrs. Allen, Bell, Brashear, Brooks, Coates, Corbell, Dale, Evans, Exon, Gantt, Gray of Jefferson, Grey of Phillips, Harrison, Hatfield, Hawkins, Hicks, Hinkle, Hinds, Hollis, Hodges of Crittenden, Hodges of Pulaski, Houghton, Hutchinson, Johnson, Langley, Mason, Merrick, Misner, Millsaps, Montgomery, Murphy, McClure, Oliver, Portis, Priddy, Ratcliffe, Rawlings, Reynolds, Rounsaville, Sams, Samuels, Sarber, Scott, Shoppach, Sims, Smith, Snyder, Van Hook, Walker, Wilson, White, Williams, Wright, Wyatt, and the President.

A quorum of the members of the Convention having answered to their names:

The Journal of the Monday preceding was read.

THE CONSTITUTION—AGAIN.

Mr. HINKLE. I would ask leave to change my vote, upon the adoption of the Constitution, from No to Aye; retaining upon the record the objections which I have filed. [Cries of "Leave."]

Mr. REYNOLDS. I suppose the fact will be stated in to-day's proceedings. The gentleman has a right to change his vote, if the change does not affect the result. Let it go on to-day's proceedings; and let it also appear that the gentleman voted No, at the time.

The Journal of Monday was approved.

The Journals of Tuesday, Wednesday, and Thursday, preceding, were read and approved.

EXPENSES INCURRED UNDER PROVISIONS OF SCHEDULE.

Mr. HODGES, of Pulaski, offered the following Ordinance:

AN ORDINANCE TO DEFRAY THE EXPENSES INCURRED UNDER PROVISIONS OF THE SCHEDULE TO THE CONSTITUTION, ADOPTED BY THE CONVENTION FEBRUARY 11TH, A.D. 1868.

SECTION ONE. Be it ordained, that all accounts of the Board of Commissioners, and expenses in carrying out the provisions of said Schedule, appointed under provisions of the Schedule to the Constitution, adopted by this Convention February 11th, 1868, shall be certified to by the PRESIDENT and signed by the SECRETARY of this Convention.

SECTION TWO. When said accounts, for said expenses, are presented to the Auditor of State, he shall issue his warrant on the Treasurer of State, who shall pay the same out of the appropriation for paying the expenses of this Convention.

SECTION THREE. Said Auditor's warrants shall be receivable by all Sheriffs, or other tax-collectors, or Treasurer of the State, for all State taxes, now due, or which may hereafter become due.

SECTION FOUR. In case said Auditor of State refuses or declines to audit said accounts or expenses, the said Board of Commissioners shall issue their warrants, approved by the PRESIDENT and signed by the SECRETARY of this Convention, for the same. Said warrants, of said Commissioners, shall, in like manner, as provided in Section Three thereof, be receivable for all State taxes now due, or that may hereafter become due.

Which was read a first time.

Mr. HODGES, of Pulaski, moved that the rules be suspended, and that the Ordinance be passed to a second and third reading, and placed upon its final passage.

The question was taken; and the motion was agreed to.

The Ordinance was read a second and third time.

The question was then taken, by yeas and nays, upon the final passage of the Ordinance; and it was decided in the affirmative,—Yeas 42, Nays 9.

So the Ordinance was passed.

[The yeas and nays do not appear upon the Journal.—REPORTER.]

APPOINTMENT OF COMMITTEE ON ENGROSSMENT OF CONSTITUTION.

The PRESIDENT announced the following Committee to compare the engrossed copies of the Constitution with the Report of the Committee on the Constitution, its Arrangement and Phraseology, and correct any errors or omissions which should be detected:

Messrs. SIMS, HODGES of Pulaski, and BROOKS.

REMOVAL OF POLITICAL DISABILITIES—AGAIN.

Mr. MONTGOMERY offered the following resolution:

Resolved: That the Chairman of the Committee on Memorials be, and he is hereby, instructed to include in the Memorial to Congress, for the relief of persons disfranchised, the names of such persons as may be hereafter recommended by the Republican members of this Convention, as having materially aided reconstruction.

Mr. BROOKS. I see no sufficient reason for that resolution, devolving the sole responsibility upon the Chairman of the Committee. The Committee is so comprised that access can be had to any other member; and I move to so far amend the resolution as to substitute "the Committee," instead of "the Chairman of the Committee."

Mr. MONTGOMERY. My object in introducing this resolution was that I might do justice to some of my constituents at home. There are some gentlemen there, entitled to a place in this Memorial, whose names I do not recollect; and when we shall arrive at home, this Convention will be adjourned, and this Committee will be separated. I desire to be enabled to recommend those whom I know to have materially aided reconstruction; and I see no way of doing so, except through the Chairman. As I have said, the names, or at least the first names, of some of these men, I cannot now recollect; and the names must be properly stated, or the recommendation would amount to nothing. I desire that those rebels who have accepted the situation, who have accepted the plan of reconstruction, as tendered us by Congress, shall not continue to labor under any disability whatever, but that they shall possess all the privileges enjoyed by any other citizens of the State. I hope, sir, that the amendment will not be agreed to.

Mr. HODGES, of Pulaski. This matter of the removal of disabilities, requires a delicate handling. You recollect that when President Johnson commenced that work, the very first thing that took place afterward, was that those who were pardoned, turned right around and tried to cut the throats of the party of those who removed their disabilities.—I might change the term "cut-throats"—I did not mean that—I meant that they began to oppose the political action of the people and party with whom they should have united themselves.

Mr. HINDS. I hope, as Chairman of the Committee, that the amendment will prevail. I certainly do not wish to be responsible for all the recommendations which it may be thought advisable to make.

Mr. BROOKS. I do not wish to seem to oppose a movement looking to the removal of any disability attaching to any citizen of the country, or inhabitant of the State, who is sincerely penitent of rebellion against the Government, and who is, to-day, sincerely loyal to its principles, and to those great leading principles out of which grew the conflict. But, sir, I am not, as an individual, disposed to unite even with all the members of this Convention,—if the question were to be brought before the whole body,—in a wholesale jail-delivery in this matter. I have voted, heartily and sincerely, for the provisions of our own State Constitution, which provides that every man who has openly advocated or voted for reconstruction, and the Congressional scheme,—who accepts the situation, accepts the equality of all men before the law, shall have attached to him no disabilities, so far as the Government of the State is concerned. That is the provision of our Constitution, adopted by this body. And anything that we may do now, upon the subject, can have respect only to disabilities attached to those gentlemen in consequence of National legislation. We have shown, sir, our disposition, by incorporating in our Memorial the names of gentlemen with respect to whose fidelity, now, to the great principles to which I have alluded, there exists no doubt in the minds of any. We have shown our disposition clearly, definitely, and frankly, at the right time, and under fitting circumstances, and with the necessary assurances before us, to give our voices and vote, if need be, in that direction. We have shown, in that Constitution, an utter absence of all spirit of proscription, as respects the local State Government, and a desire to secure to all men, regardless of previous position and course—even to those who have been bushwhackers and jayhawkers,—if they sincerely favor the restoration of civil government under the laws of Congress as the supreme law of the land, the right to participate with us, without restriction or qualification, in all the rights of citizens,—not withholding from them the right of any position in the gift of the State.

Now, with these facts before us, I think we have done enough. We hope to have the co-operation of all the friends of reconstruction, whether or not they definitely tally with our views in all particulars and details of the Constitution, and of the policy of the Restoration Party of the State. We trust that all those friends of civil government, of peace, harmony, and prosperity for the people of this State, will, on due consideration, find themselves sufficiently reconciled to the circumstances surrounding them, to give us their votes and their influence, for the accomplishment of this great work. And we have no hesitation in saying, to the honorable members of this Convention who differ from us with respect to party political principles, and to all the citizens of the State, of that party, that in these propositions we are sincere and liberal and generous, if you will place yourselves in that position, and have no disposition to persecute or proscribe any one on account of matters that are now of the things that were. Having done thus much, we think we have gone far enough in that direction, and we wait for further developments. Let those who are friends of reconstruction patiently co-operate with us for a few weeks more, and let us accomplish, if we may, in this State, this great work, in the ratification of the Constitution. If that be accomplished, in a few weeks from this time the General Assembly will be in session in this City, and, as the representatives of the loyal people, and as constituting the Legislative Department of a re-established civil government here, they will be able to speak to the Congress of the United States with an authority, if we may say so, that we cannot now exercise; and the voice of that General Assembly, so constituted, with the Constitution ratified, and civil government restored, and peace prevailing, would be not only potent, but almost decisive, and we shall then feel prepared to give our influence in that direction. For those of us, here, who may comprise a part of that General Assembly—I can speak for myself, though I do not expect to be there—if I were, I would certainly vote, as I can say for my friends, they will vote to memorialize Congress for the removal of the disabilities of all those gentlemen who, during the coming canvass and at the coming election, heartily co-operate with us. They will thus have an opportunity of demonstrating, in a tangible manner, their devotion to reconstruction; they will have an opportunity not only to speak, and use their influence for reconstruction, but to put themselves upon the record. We have done and said much, here, in reference to records. I would like to see gentlemen on the record in favor of reconstruction. Then if they "go back upon us," we will simply tip our hats and take the consequences; and if we cannot run the machine, their record to the contrary notwithstanding, we will deserve defeat, and meet it cheerfully.

I move you, sir, that the resolution lie upon the table.

The question was taken; and the motion was agreed to.

THE CONSTITUTION—AGAIN.

Mr. GANTT. I desire to read, in behalf of myself and other members of the Convention, a very brief paper:

We, the undersigned, delegates to the Constitutional Convention, do hereby protest against the above and foregoing Constitution, and decline to endorse or sign it; as the same, in our opinion, is anti-republican, proscriptive, and destructive of the liberties, rights, and privileges, of this State.

J. N. Cypert, } Delegates from White County.
Thomas Owen, }
W. W. Adams, Delegate from Izard County.
C. W. Walker, } Delegates from Washington County.
James N. Hoge, }
George W. Norman, Delegate from Ashley County.
W. W. Reynolds, " Benton "
J. A. Corbell, " Sevier "
R. S. Gantt, " Prairie "
W. F. Hicks, " Prairie "
James H. Shoppach, " Saline "
Joseph Wright, " Carroll "
Bouldin Duvall, " Lawrence "
W. D. Moore, " Ashley "
John M. Bradley, " Bradley "

We ask, respectfully, that this protest may be attached to the Constitution.——

Mr. HODGES, of Pulaski. The gentlemen have explained their vote itself, upon the record. If they do not wish to sign the Constitution, I am opposed to their sending out any protest along with it. I believe in extending every courtesy that the Convention possibly can; but I believe this will be unprecedented. I never saw or heard of such a thing; and I move that the paper lie upon the table.

Mr. GANTT [*To Mr.* Hodges.] One moment, sir:—the floor was taken from me, and I yielded it. I desire to say, for myself and those gentlemen whose names are appended to that protest, that it is due to us, when we decline to sign the Constitution, that our reasons go upon it. It is one of the records of the country. What we ask is due; it is but respectful to us, I think, sir, that we should be permitted to place our protest with that instrument.

Mr. HODGES, of Pulaski. In order that this may proceed in order, I withdraw my motion, that the gentleman may talk.

Mr. GANTT. I do not wish to talk, at all, but simply to ask that this justice be done us.

Mr. BROOKS. I regret that there should be any such manifestation of temper. Certainly, honorable gentlemen must acknowledge that they have been treated with respect and courtesy.

Mr. GANTT. During the deliberations of this Convention, I have been treated with the utmost courtesy and kindness. I think, however, it is unkind that now, when we desire to place upon the records of the country our objections to that Constitution, it should be denied us. Heretofore, the utmost kindness and courtesy has been extended to me. I say that, and take a pleasure in so doing.

Mr. BROOKS. If the sense of the Convention be clearly ascertained, there will be, I think, no objection to the honorable gentlemen, if they see fit to do so, placing their protest upon the Journal of this Convention. It certainly is their privilege so to do. That, we should concede; that, I am ready, as an individual, cheerfully to concede. That, we admit, is proper and competent; that, they may properly and legitimately ask, and to deny it would be discourteous and unkind on the part of the majority. But, sir, the idea of attaching to the Constitution, and sending out with the Constitution, publicly, to the people of the State and to the world, a protest, assigning reasons of that kind, for a disapproval of the Constitution—I must suggest, Mr. President, it certainly is a wonderful stretch to suppose that we are under obligations to do anything of that kind! On the contrary, I have no hesitation in saying that we should be destitute of all sense of self-respect, to permit or consent to such a proceeding, and should show ourselves such a pack of ninnies as to be utterly unworthy the confidence placed in us by the people of Arkansas, and when the question should be fairly canvassed, could not but be regarded with contempt, by the honorable gentlemen themselves.

So far from this being a right, as is claimed, it is the uniform practice of dissenting members in a body of this kind, where a constitution has been adopted by the Convention, they voting in the negative,—and, if they choose, setting forth their reasons for their votes, or even formal protest, such as is now before the Convention, all of which reasons or protest may and ought to be spread upon the Journal,—then themselves to sign the constitution. I have never before known of a departure from this rule. And I supposed that, as a matter of course, the honorable gentlemen in the Opposition would feel called upon, in self-respect, and in deference to the official action of this Constitutional Convention, to attest the validity of that action, in the adoption of the Constitution, by attaching their names to the instrument, when adopted. They have struggled against it, they have debated it, they have acquitted themselves creditably, sir; but, as a matter of course, we think we beat them in the argument—we *know* we did in the votes; we carried the Constitution—we did it honorably—we think we did—we certainly tried to. That being done, we hold that they are bound—in courtesy, only, of course—to sign the Constitution, attesting thereby the validity of the official action of this Convention. If they see fit to refuse, that, of course, is for themselves. We do not demand it; we only expect they will follow the footsteps of their illustrious predecessors, and do what their friends of the Opposition to Republicanism have been accustomed to do, and sign the Constitution, though they have been left out in a hopeless minority.

I have now before me a case parallel, where the minority were reduced to seven; yet they signed the Constitution.——

Mr. HOGE. How about the Alabama Constitution?

Mr. BROOKS. I have not seen the signatures to that Constitution. It may be that there is a deeper depth of degradation and treasonable antagonism to the Government, in these States, than we have ever deemed. It may be that the Opposition, here, out-Herod Herod. We did suppose we had to deal, in the Northwest, with as intense an antagonism as existed anywhere in the United States,—men moulded after the fashion of Augustus Cæsar Dodge, Hall, and George W. Jones. It may be that we have a deeper type here, and that gentlemen will feel called upon to spit upon the official action of the Convention. But, sir,—and in these remarks I do not allude to the gentleman from Prairie [Mr. GANTT],—let them spit in their own dish, and not in ours; let them not ask of us anything which we cannot in self-respect permit.

Mr. HODGES, of Pulaski. If it is asked that this protest accompany the Constitution, I shall renew my motion, that it be laid upon the table. If the gentleman is content to have it spread upon the Journal, I will withhold my motion, and move the contrary.

Mr. GANTT. I do not withdraw the request.

Mr. BROOKS. I move that the request be rejected. If gentlemen will not concede anything, *we* will concede nothing.

Mr. HOGE. My idea is, that the Constitution goes forth to the people, and that every name that is attached to it, endorses it. If so, then after those "loyal" signatures are appended to it, we can put our protest. That sufficiently attests the Constitution.

Mr. BROOKS. The honorable gentleman is entirely mistaken, in that respect. The signatures appended to the Constitution are a purely official attestation of the official action of the Convention. It is so regarded by the respectable politicians of the whole nation, so regarded by legal gentlemen. A protest, the embodiment of the sentiments of members opposed to the Constitution, is found in their votes, on the call of the yeas and nays, and in their explanations of those votes; and if they choose to have their protest spread upon the Journal, they have that right. Their signature to the Constitution is no approval of the Constitution. We do not ask them to sign it. It was merely suggested, incidentally; and I should not have said a word upon the subject, had it not taken the shape it now assumes. I regret that, with our manifest solicitude to treat them with the utmost respect, and our willingness to spread upon the Journal the protest which they offer, gentlemen still appear dissatisfied with our course.

I wish, however, to apologize—it is the first time, I believe, that I have had occasion to do so, during the proceedings,—and to withdraw my motion to reject. I do not wish myself, or any other honorable member voting with us, to become excited, and to do that which would seem to be even ungenerous. I withdraw the motion. I am willing to vote that the protest be spread upon the Journal; but not that it be appended to the Constitution.

Mr. GANTT. I desire to say but one word. It is getting too late to indulge in extended debate. It is not my purpose to do so. So far as regards our willingness to do what is honorable and correct, we claim to be the judges of what it is necessary for us to do; and so far as I am immediately concerned,—and I think the other gentlemen who signed that paper will agree with me,—we are entirely satisfied with our action in the premises, and feel no want of self-respect, in this matter. And I will remark further, that when we presented this respectful protest, the first action taken upon it was the presentation of a motion to lay it upon the table; and I stand here to-day and defy the gentleman to find, in all the history of deliberative bodies, a solitary instance in which such a body has refused to allow a member to place his protest upon the Journals. I defy the gentleman to find, in all the history of legislation, in the proceedings of a solitary respectable body upon earth, a refusal, to members of that body, of the right to place upon the records, or a motion to lay upon the table, or to reject, a protest!——

Mr. BROOKS. I ask to make an explanation. I made the motion to reject, after the irritating passes between us, and immediately afterward withdrew it; and I am ready to move, and these Republican members, I believe, are ready to approve the motion, to spread the protest upon the Journal. And at the end of my remarks, had the gentlemen, when appealed to so to do, withdrawn their proposition to attach the protest to the Constitution, there would not have been a word of objection to its appearance in the Journal.

I repeat, I am ready to move, and I will move, when I am able to get the floor for such a purpose, a substitute for the motion of the gentleman from Pulaski [Mr. HODGES], and shall propose that the protest be spread upon the Journal.

Mr. HODGES, of Pulaski. I rise to a personal explanation. I have already said that I am willing to withdraw my motion, and to move that the protest be spread upon the Journal. I now withdraw the motion to lay the protest upon the table, and move it be spread upon the Journal,—so that gentlemen may talk about something before the Convention.

The question was taken on the motion that the protest be spread upon the Journal; and the motion was agreed to.

REMOVAL OF POLITICAL DISABILITIES—AGAIN.

Mr. SNYDER offered the following resolution:

Resolved: That five hundred copies of the Report of the Committee on Memorial for the Relief of Disabilities, be printed for the use of this Convention.

Mr. HODGES, of Pulaski. I rise to a point of order. No report has been submitted.

The PRESIDENT. Gentlemen can vote for the resolution, if they desire. It would be more proper to order the Report.

Mr. SNYDER. I will so modify the resolution that the Committee be required to submit the Report.

Mr. MONTGOMERY. I cannot vote for the printing of an instrument, until I can see it, or hear from it in some way.

The question was taken; and the resolution was rejected.

EXPENSES OF THE CONVENTION—AGAIN.

The PRESIDENT laid before the Convention the following telegram, communicated by HENRY PAGE, Treasurer of the State:

HEADQUARTERS, VICKSBURG, MISS.
February 13th, 1868.

HENRY PAGE,
State Treasurer.

No funds, except as stated in letter of 2d inst., will be allowed, to pay Convention expenses.

JOHN TYLER,
A. A. A. Gen.

FINAL ADJOURNMENT.

Mr. HODGES, of Pulaski. I now move that the Convention adjourn, subject to the call of the President, in accordance with the resolution heretofore adopted by this Convention.

VALEDICTORY REMARKS OF THE PRESIDENT.

The PRESIDENT. Before putting that motion to the vote, I desire, if the gentleman will temporarily withdraw it, to make a few remarks:

GENTLEMEN OF THE CONVENTION:

The arduous labors of this Constitutional Convention are being brought to a close. Before adjourning, permit me to express to you my high appreciation of the compliment implied in calling me to preside over your deliberations, and to return to you my sincere thanks for the uniform courtesy and kindness extended to me.

While I brought to the position neither age nor experience, I have endeavored to atone for that want, by an earnest and honest effort to deal fairly and impartially with all. That I have committed errors, it is but natural to expect; that I have performed imperfectly the high and responsible duties devolved upon me by your kind partiality, I am free to confess. I only claim to have acted in the conscientious discharge of my duty, anxious to please all, hoping to offend none. Then, if, in the midst of heated debates, or in the settlement of vexed questions, suddenly thrust upon me, I have, by any unguarded word or act, wounded in the slightest degree the sensibilities of any member present, it was as foreign to my purpose as to my nature, and I hope it may be all forgiven and forgotten, ere we separate and go hence.

We met here, I honestly believe, each to promote the welfare of our country, as we understood it. We have exerted ourselves to that end, though in paths quite divergent. But while we have differed, and may still differ, let it not be as enemies, but as friends and brothers, laboring for the common good. In separating, let us strive to remember only that which was pleasant in our intercourse with each other. In advocating our views, as public policy, before the people, strengthened rather than shaken by discussions in these halls, let us do so in charity and mutual forbearance, leaving it to the Author of all good to settle the question aright. And I beg of you, each individually, to remember that, wherever your pathway may lie, you will carry with you my most ardent wishes for your health and happiness; while I pledge you, I will cherish within me none but the most pleasant recollections, of these scenes and this occasion.

This much personally. But weightier matters claim a passing notice at my hands. We met here under extraordinary circumstances. A stupendous civil war, involving issues, direct and collateral, greater than the world had ever witnessed, had but recently closed. Three millions of slaves were emancipated—their status pressed for solution. The practical relations of our State with the Federal Government had been disturbed. These were to be settled and resumed. The placing of our State Government in the hands of avowed and undisguised friends of the Government, in preference to its open enemies or secret foes, was not to be overlooked; and the framing of a State government, republican in form, was imperative.

It was by the voice of the Federal Government, acting in reference to its own life, that a Convention for these ends was ordered, and by the voice of the people of Arkansas that we have met. You have endeavored to conform your action to the exigencies of the occasion; and, by patient and earnest endeavors, and an unselfish patriotism, your work has been well, and under the circumstances, speedily, performed. The rest remains for the action of the people.

The greater portion of the proposed Constitution will be passed over by its opponents, with but slight comment. But that part of it in which the Government reaches out its arms and extends equal political rights to all its citizens, will be the most bitterly declaimed against.

By a strange kind of sophistry, it will be declared that we favor "legislating one class of men better than another"—that we favor "negro supremacy," and the like. And yet in truth, the Constitution proposed by you, speaking for itself, aims to make no man better than another. It requires our Government to give every man the same chance, and no other, that every other man has, in order that each may prosper, and have cause to love his country. Socially, it leaves men just where it finds them—just where society has placed them. Politically, it places all men upon the same broad level—the humble and the great, the poor and the proud. For this we are all called Radicals. And yet, where upon the globe can a grander epitome of true democracy be found than in these few words: *Equality before the law?* The world has struggled and bled for ages to reach it. Armies have perished, and whole peoples been destroyed, in fruitless efforts to achieve it. And yet there is hope left. The throes of successive centuries bring the people nearer to it. In 1776, the Old World having despaired of its achievement, it was asserted by a handful of devoted patriots in the New, and its acknowledgment wrung from the bloody and reluctant hands of the haughtiest nation on earth! It was asserted and conceded, and the world breathed freer. But it has not been allowed and practised; and hence, to-day, from a fresh baptismal of fire and blood, it pleads anew the sanction of our fathers, and demands to be made, in name and in substance, the solid and enduring basis of the people's great Republic. To contribute our influence to that end, we have inserted it in the Constitution about to be submitted to our people. It is no new idea. It is but the echo of the voices of our fathers, coming down to us through the stream of years, which, falling unheeded on three generations, arrests only the attention of the fourth, over the graves of its fallen heroes, and the ashes of its solemn desolation. Will it fall again on deaf ears? Heaven forbid! The proposition is so plain and simple, its democracy so pure and just, and itself so full of truth and sublimity, that we need have no fears of its meeting the hearty approval of our loyal and liberty-loving people.

So we send out this instrument, the result of many days' toil and labor, as the hope of the masses—as the harbinger of peace, of prosperity and happiness; and send with it our hopes and prayers, that no evil counsels, or appeals to passion or prejudices, will induce its rejection; and in the full confidence, that if ratified, a new era will dawn upon our State—so rich in resources, and yet so neglected—so great in natural wealth, and yet so poor in material progress—so blessed by Providence, and yet so cursed by man!

For this consummation, let us pledge ourselves anew, and gird us for the final conflict, and the glorious triumph. And for me, I should ask no greater reward while living, than the consciousness of having contributed my humble aid in restoring peace and prosperity to a distracted and dispirited people. No prouder epitaph when dead, than that of having devoted my feeble powers to assist in making practical and effective, the deathless sentiments of the framers of the Declaration of Independence.

FINAL ADJOURNMENT—AGAIN.

Mr. SMITH renewed the motion that the Convention now adjourn, subject to the call of the PRESIDENT, in accordance with the resolution before adopted by the Convention.

The PRESIDENT. The Chair has considered the motion as only temporarily withdrawn, and as now before the Convention.

REMOVAL OF POLITICAL DISABILITIES—AGAIN.

Mr. MONTGOMERY. I have a motion to offer, which I think very important; and if the gentleman [Mr. HODGES] will withdraw, for just one moment, his motion of adjournment, I will submit it. I do not propose to offer any argument—

Mr. HODGES, of Pulaski. If the gentleman will send up his motion, the motion for adjournment will be withdrawn, if what he desires to offer is anything of importance.

Mr. MONTGOMERY. Is it necessary that I should put the motion in writing?

The PRESIDENT. The gentleman may, by consent, state it verbally.

Mr. MONTGOMERY. I understand that the Committee appointed to draft a memorial to Congress, for the removal of disabilities of such citizens as have aided reconstruction, have drawn up that Memorial, and that the names have been inserted. The Committee was directed to report the Memorial to this Convention. I hope the Convention will not adjourn until that Committee shall report. I move, sir, that the Committee be directed to report *instanter*.

Mr. HODGES. I do not withdraw my motion.

VOTE OF THANKS TO THE PRESIDENT.

Mr. REYNOLDS. I would ask the gentleman [Mr. HODGES] to withdraw his motion, to enable me to present a privileged question—a matter which should have been, but has not been, attended to by the Convention.

The PRESIDENT. The gentleman may state to what he refers.

Mr. REYNOLDS. I desire to move that a vote of thanks be tendered to the PRESIDENT and SECRETARIES of the Convention.

Mr. HODGES, of Pulaski. I think, sir, the gentlemen of the Convention, on the other side of the hall, have very fully expressed our views upon that subject. You have now our thanks, and the thanks of us all.

The PRESIDENT. It is so understood by us all.

FINAL ADJOURNMENT.

The question was then taken; and,

Mr. MONTGOMERY calling for a division,

Thirty-seven members voted in the affirmative—those voting in the negative not counted.

Mr. MONTGOMERY. It is a choking-off game; but we will have to submit.

The PRESIDENT announced the result, as follows:

The Ayes have it.

I now declare this Convention adjourned, subject to the call of the PRESIDENT thereof, or, in case of his death, absence, or disability, then subject to the call of one of the six VICE-PRESIDENTS, in accordance with resolutions heretofore passed by this Convention.

And thereupon, at 12, M., of Friday, February 14th, 1868, the Convention adjourned; to be convoked, in case the Constitution should not be ratified, by the PRESIDENT, or, in the event of his absence, or inability to perform the duties of his office, by one of the VICE-PRESIDENTS, in accordance with the provisions of the resolution of the Convention; but if not so convoked within one year, then to stand adjourned *sine die*.

APPENDIX.

CONTENTS OF APPENDIX.

[It has been thought most convenient to arrange the papers in this Appendix in chronological order.]

I.

PAPERS PRECEDENT IN DATE TO ASSEMBLING OF CONVENTION.

A. Abstract of returns of preliminary registration.
B. Abstract of returns of election on the question of holding a convention.
C. Supplemental paragraphs to Gen. Orders No. 43, Hdqrs. Fourth Military District, announcing additional elections of delegates.

II.

PAPERS BELONGING TO THE RECORDS OF THE CONVENTION.

D. Testimony accompanying Report of Committee on Elections, on the contested election in Ashley County.
E. Testimony accompanying Report of Select Committee on the Penitentiary.

III.

PAPERS SUBSEQUENT IN DATE TO ADJOURNMENT OF CONVENTION, AND PRECEDENT TO ELECTION FOR RATIFICATION OF CONSTITUTION.

F. Proclamation of the President of the Convention, giving notice of election to be held under supervision of Gen. Comm'd'g Fourth Mil. District, for ratification of the Constitution.
G. Notice, by Board of Commissioners of Election, of election, under provisions of the Constitution, for the ratification thereof.
H. General Orders No. 4, Hdqrs. Sub-District of Arkansas, Feb. 14, 1868 (election for ratification of Constitution—revision of registration).
I. General Orders No. 7, Hdqrs. Fourth Military District, Feb. 14, 1868 (announcement of adoption of Constitution—election for ratification—revision of registration—regulations of election).
J. Correspondence between Board of Commissioners of Election, and Bvt. Maj. Gen. A. C. Gillem, comm'd'g Fourth Military District (payment of expenses of the election provided for by Schedule to Constitution), being:

1. Communication from Board of Commissioners of Election to Bvt. Maj. Gen. Gillem, Feb. 20, 1868.
2. Communication from Bvt. Maj. John Tyler, A. A. A. G., by direction of Bvt. Maj. Gen. Gillem, to Board of Commissioners of Election, Mar. 2, 1868 (in response), enclosing:
    - *a.* Letter of directions from Hdqrs. Fourth Military District to Hon. W. R. Miller, Auditor State of Arkansas (ordering issue of warrants for payment of expenses as above, from funds appropriated for defraying expenses of Convention.)

K. Amendatory Reconstruction Act of Congress, of date February 28, 1868.

IV.

PAPERS SUBSEQUENT IN DATE TO ELECTION FOR RATIFICATION OF CONSTITUTION.

L. Proclamation of Board of Commissioners of Election, announcing ratification of Constitution at election held under provisions of the Schedule thereto.

M. Abstract of returns of election held under provisions of the Schedule, for ratification of Constitution.

N. Letter of transmittal, from the President of the Convention, to the President of the United States, forwarding (in accordance with provisions of Acts of Congress, and of the Constitution of Arkansas) copy of the Constitution of the State of Arkansas, together with Abstract of votes cast at election held, under provisions of the Schedule, for ratification of the Constitution.

O. Lists of State officers, Senators, Representatives, and Members of Congress, chosen at the first election held (March 13th, 1868) under the provisions of the Constitution of 1868; President of the Senate, Speaker of the House of Representatives, and United States Senators elected.

P. Proceedings of the General Assembly of the State of Arkansas, upon the ratification of the Fourteenth Article of Amendment to the Constitution of the United States: including:

1. Proposed Fourteenth Article of Amendment to the Constitution of the United States.

Q. Letter from the General of the Army, in answer to resolution of House of Representatives, U. S., transmitting:

1. Report of Bvt. Maj. Gen. Alvan C. Gillem, comm'd'g Fourth Military District, on election for ratification of the Constitution; including:
    - *a.* Consolidated report of election upon ratification of Constitution.

R. Note concerning action of Government of the United States, respecting admission of the State to representation in Congress, and inauguration of State Government under the Constitution framed by the Convention.

APPENDIX.

I.

PAPERS PRECEDENT IN DATE TO ASSEMBLING OF CONVENTION.

A.

[APPROXIMATE]

ABSTRACT OF RETURNS OF REGISTRATION IN THE STATE OF ARKANSAS,

UNDER THE ACT OF CONGRESS OF MARCH 23D, 1867.*

COUNTIES.	Registered WHITES.	Registered COLORED.	TOTAL.
ARKANSAS, . . .	498	1030	1528
ASHLEY, ...	706	608	1314
BENTON, ...	. . .	. . .	1009
BRADLEY, . . .	908	368	1276
CALHOUN, ...	422	184	606
CARROLL, ...	. . .	767	767
CHICOT, ...	268	894	1162
CLARK, ...	. . .	. . .	1576
COLUMBIA, . . .	1313	870	2183
CONWAY, ...	921	148	1069
CRAIGHEAD, . . .	522	41	563
CRAWFORD, . . .	704	147	851
CRITTENDEN, . .	245	505	750
CROSS, ...	415	184	599
DALLAS, ...	668	337	1005
DESHA, ...	231	592	823
DREW, ...	1081	576	1657
FRANKLIN, . . .	741	102	843
FULTON, ...	. . .	. . .	306
GREENE, ...	921	5	926
HEMPSTEAD, . . .	1307	1195	2502
HOT SPRING, . . .	. . .	. . .	825
INDEPENDENCE, . .	1458	142	1600
IZARD, ...	762	31	793
JACKSON, ...	849	283	1132
JEFFERSON, . . .	1048	2733	3786†
JOHNSON, ...	664	72	736
LAFAYETTE, . . .	560	931	1491
LAWRENCE, . . .	. . .	. . .	753
LITTLE RIVER, . .	426	327	753
MADISON, ...	. . .	. . .	716

COUNTIES.	Registered WHITES.	Registered COLORED.	TOTAL.
MARION, ...	. . .	. . .	391
MISSISSIPPI, . . .	292	193	485
MONROE, ...	525	551	1076
MONTGOMERY, . .	492	26	518
NEWTON, ...	424	1	425
OUACHITA, . . .	1084	870	1954
PERRY, ...	. . .	. . .	318
PHILLIPS, ...	955	2681	3636
PIKE, ...	. . .	. . .	565
POINSETT, . . .	172	39	211
POLK, ...	394	1	395
POPE, ...	. . .	. . .	865
PRAIRIE, ...	. . .	. . .	1583
PULASKI, ...	1494	2402	3896
RANDOLPH, . . .	848	59	907
ST. FRANCIS, . . .	564	464	1028
SALINE, ...	712	42	754
SCOTT, ...	557	17	574
SEARCY, ...	574	1	575
SEBASTIAN, . . .	1011	195	1206
SEVIER, ...	567	260	827
UNION, ...	922	708	1630
VAN BUREN, . . .	. . .	. . .	896
WASHINGTON, . .	1813	81	1894
WHITE, ...	1278	156	1434
WOODRUFF, . . .	. . .	. . .	1027
YELL, ...	731	150	881
Total, . . .	33,047‡	21,969‡	65,751‡

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* Unofficial. No official copies of these returns could be obtained by repeated application to Headquarters Fourth Military District.

† So in table from which this is copied.

‡ The apparent discrepancy between the sum total of the first two columns, combined, and the last column, results from an omission, on the part of the Registrars of some counties, to specify the number of white and colored voters, respectively, registered within the county.

The sums total, as given in the table from which this is taken, are as follows: Whites, 33,047; Colored, 21,207. Total, 65,084. In the absence of official information, there are no means of ascertaining the source of these errors—whether in the county returns, or in the addition. General Orders No. 43, Fourth Military District, series of 1867, however, gives as follows the

OFFICIAL RETURN:

Total Registered, ... **66,805.**

B.

[APPROXIMATE]

ABSTRACT OF RETURNS OF ELECTION

ON THE QUESTION OF

HOLDING A CONVENTION.*

COUNTIES.	FOR Convention.	AGAINST Convention.	COUNTIES.	FOR Convention.	AGAINST Convention.
Arkansas, . . .	927	109	Marion, ...	100	107
Ashley, ...	531	549	Mississippi, . . .	114	161
Benton, ...	92	392	Monroe, ...	514	204
Bradley, ...	230	. . .	Montgomery, . . .	288	31
Calhoun, ...	211	134	Newton, ...	177	3
Carroll, ...	178	277	Ouachita, ...	817	551
Chicot, ...	809	156	Perry, ...	1141	34
Clark, ...	685	400	Phillips, ...	2178	454
Columbia, ...	970	594	Pike, ...	195	77
Conway, ...	200	. . .	Poinsett, ...	55	60
Craighead, . . .	233	123	Polk, ...	111	51
Crawford, . . .	370	233	Pope, ...	433	91
Crittenden, . . .	. . .	. . .	Prairie, ...	467	533
Cross, ...	197	168	Pulaski, ...	2480	419
Dallas, ...	374	326	Randolph, . . .	105	249
Desha, ...	425	. . .	St. Francis, . . .	393	150
Drew, ...	694	386	Saline, ...	142	261
Franklin, ...	285	198	Scott, ...	195	11
Fulton, ...	73	17	Searcy, ...	336	20
Greene, ...	72	149	Sebastian, . . .	276	113
Hempstead, . . .	1188	827	Sevier, ...	331	195
Hot Spring, . . .	303	121	Union, ...	102	. . .
Independence, . .	513	231	Van Buren, . . .	249	52
Izard, ...	8	. . .	Washington, . . .	326	662
Jackson, ...	30	. . .	White, ...	184	539
Jefferson, . . .	2546	. . .	Woodruff, . . .	. . .	75
Johnson, ...	296	289	Yell, ...	344	111
Lafayette, . . .	896	289			
Lawrence, . . .	125	203			
Little River, . .	241	. . .	Total, . . .	27,188†	11,942†
Madison, ...	323	57			

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* Unofficial. No official copies of these returns could be obtained by repeated application to Headquarters Fourth Military District.

† The sums total, as given in the table from which this is copied, are as follows: For Convention, 24,979; against Convention, 11,293. In the absence of official information, there are no means of ascertaining the source of error—whether in the county returns, or in the addition.

General Orders No. 43, Headquarters Fourth Military District, series of 1867, however, gives as follows the

OFFICIAL RETURN:

For Convention, ... **27,576.**
Against Convention, ... **13,558.**

C.

SUPPLEMENTAL PARAGRAPHS

TO GENERAL ORDERS No. 43, HEADQUARTERS FOURTH MILITARY DISTRICT, SERIES OF 1867 (P. 33),

Announcing Additional Elections of Delegates.

After the first publication of General Orders No. 43, from Headquarters Fourth Military District, Series of 1867 (which Order, as it appears in this volume, p. 33, is printed from the officially certified copy furnished from Headquarters of the District), the following additional paragraphs, announcing further elections of delegates, were inserted, in subsequent issues.

"From Independence County—two delegates:
"Peter C. Misner, George W. Dale."

"From Izard County—one delegate:
"W. W. Adams."

"From Jefferson County—four delegates:
"Samuel W. Mallory, O. P. Snyder, Jas. M. Gray, Wm. Murphy."

"From Johnson County—one delegate:
"John H. Sarber."

II.

PAPERS BELONGING TO THE RECORDS OF THE CONVENTION.

D.

[P. 253.]

TESTIMONY

ACCOMPANYING REPORT OF COMMITTEE ON ELECTIONS,

ON THE

ASHLEY COUNTY CONTESTED ELECTION.

William F. Grove, retained member of the Board of Registration, being duly sworn, says:

Question. Did you hold the election in Ashley County, and if so, in what precincts?

Answer. I did; in De Bastrop, November 5, in Extra, November 7, in Egypt, November 9, and in Carter, November 11.

Q. Who were the candidates for the Convention?

A. Harbison and Currie, Republican, and Moore and Norman, Conservative.

Q. How did the people conduct themselves in your precincts?

A. In the first three I heard no complaints. In the last (Carter), colored men were deterred from voting by threats of being thrown out of their homes if they voted the "damned Radical ticket."

Q. How many registered voters were there in Carter?

A. About 76 colored and 97 white.

Q. How many votes were cast in Carter Precinct?

A. About 114.

Q. Please state to the Committee what you know about the election in Carter precinct.

A. Men came before me, and made affidavit to the fact that they were deterred from voting by threats. Fifteen colored men in Carter Precinct that were deterred, each making his affidavit to the fact. Two white men were intimidated by threats that if they attempted to vote, they would be driven away from the polls. All these men said they would have voted for a Convention, and for Harbison and Currie, all being registered voters. The majority against a Convention, was 18. Also, in Carter Precinct, eight colored men voted against a Convention, and for Moore and Norman, which was done under threats that if they voted for a Convention, and for Harbison and Currie, they would not receive any pay for what they had done during the year, and would also be driven from their homes, without anything to eat. They wanted to vote for both the Convention, and for Harbison and Currie. Among the persons making these threats are the following: Joseph Bell, Dr. Frank L. Pew, William Lawson, Abner Files. Dr. Files brought a colored man to the polls, and I asked the man if he was voting as he wanted; the man hesitated, and Files said, "Yes; damn it, say yes!" Abner Files, Clerk of the County Court, turned Wesley David (colored) out of his house, for voting the Convention ticket. James Willis also turned a colored man out of his house for voting for a Convention, and Harbison and Currie. Joseph Bell told a white man he belonged to the Union League, and if he thought he did, he would kill him now. Again, on the morning of election, said Bell went into the store and told the same man if he went to the polls to vote, he would kill him there. I ordered the Sheriff to arrest said Bell, who had just gone out of the door. Tinor, the Sheriff, went out, and returned in a few minutes, saying he could not find Bell. Colored men from all parts of the County came in, reporting this state of facts to exist.

WILLIAM HEPPEL, one of the Registrars in Ashley County, being duly sworn, says he held the election in the precinct of Bearhouse, November 5th; Union, November 7th; Portland, November 9th; and Beach Creek, November 11th. There were quite a number of colored registered voters deterred from voting. The following votes were cast: Beach Creek—13 for Convention, 33 against Convention; Union—33 for Convention, 14 against Convention; Portland—55 for Convention, 80 against Convention; Bearhouse—5 for Convention, 55 against Convention. Statement of Moore: 550, 529—21 for candidates, 18 against Convention. Fifteen registered voters in Portland and Union were deterred from voting. United States soldiers fired volleys in exultation of the victory. Thinks if the people of Ashley County could have had a fair chance, without any excitement, the County would have gone for a Convention by 30 or 40 majority. There were eleven men in Carter and Portland Precincts, that did not vote, who would have voted for Convention, and Harbison and Currie, had it not been for the threats used.

A. G. CUNNINGHAM, agent B. of B. F. and A. L. at Hamburg, being duly sworn, says:

Abe, a colored man, was assaulted with a bowie-knife, by a man by the name of Herron, for voting for a Convention. Nine colored men came to me, and stated that they had been driven from their homes, because they had attempted to vote for a Convention—eight of them were registered voters. Parties notified them, as they started to the polls, that if they voted for a Convention they would be killed, and left in the swamp. At least three cases in Carter Precinct came to me and said they did not vote for fear of bodily injury, when, if they had voted, they would have voted for Convention and Harbison and Currie. This was upon their oaths, and the next day after the election in Carter Precinct. One man was warned, before he voted, that if he voted he would be turned out of his house and be killed. After he voted, they gave him two hours to leave his house, or he and his family would be burned in it. This threat was made by a mob headed by James Willis, Town Constable, and others. I caused the man to leave his house, and camp on the common, near my office, all night, with his family. A white man, doing business in Hamburg, told me he would not go across the plaza to vote, for all the debts that were due him, and his stock of goods, which amounted to $20,000. I heard threats made, for weeks before the election, that the negroes should not vote in Ashley County; if they did they would be exterminated.

E.

[P. 481.]

TESTIMONY

ACCOMPANYING REPORT OF THE

SPECIAL COMMITTEE ON THE PENITENTIARY.

THOMAS LINDSEY.—I am thirty-five years of age; have been in Arkansas six months—came from New York City; have done nothing since I came here; I have had plenty of money up to this time; I have procured a situation in the Quartermaster's Department; I do not know anything about the lease of the Penitentiary; I have been four days on watch at the Penitentiary for a friend; I think this was in November. While I was there I saw no improper treatment towards any one, and heard no complaint, and saw no cause for any. I saw one man that said he was sorry that he was in there, and wished he had never come; do not recollect his name; I did not see any punishment inflicted; have never been in a Penitentiary before, as a guard. One man asked me for a drink of water; the guard would not let me give it, saying that, by the prison regulations, one tinful of water must last until dinner-time. My sympathy was not excited by association with the prisoner. I felt sorry for the man that regretted being there; do not know anything about the rules in the cell building; do not know the name of the man who stood at the door, and would not let the man have the water. I had no instruction as to management, or order from any one but Galligan; he told me to have all keep quiet; there was no distinction between white and black; the food was good and wholesome; I think the convicts had sufficient to eat; they had beef and corn bread; heard no complaints about food, from any one. Commenced work at half-past seven; stopped for dinner, and quit at half-past five. The impression that I formed from the food, labor, and treatment, was favorable. Many of them did not work more than half the time; were standing around the work-room; so far as I observed, had sufficient stoves to keep the rooms all warm, and the convicts comfortable; they had coffee to drink.

THOMAS LINDSEY.

W. E. MCPHERSON.—I am thirty-five years old; lived in Arkansas since 1860; I am a policeman, have been one about two weeks; was a farmer before. I do not know anything about the Penitentiary now; worked last spring for Hodges, Peay & Ayliff, as a guard; Hodges discharged me; I think because he could get men cheaper; I do not think I ever saw any very cruel punishment; I have seen men whipped for different offences; they were punished for disobedience of rules and regulations of the prison; I do not recollect of an instance where I thought greater punishment was inflicted, than order and discipline would warrant; so far as I know, in three months I was there, I saw no discrimination made between white and black convicts; have seen soldiers whipped; I do not recollect how many; there were one or two hard cases, who were hard to control; I never whipped a soldier; do not think the punishment was too severe; unless they were punished, it would be impossible to control the place; think the soldiers serving, were all under sentence for some kind of crime, that were whipped; during the working hours, the soldiers were under my charge that I saw whipped; they were reported and punished, on my report of their conduct; Brent and McNeal are their names; my impression was that Mr. Hodges desired such punishment only as would enforce discipline. I was a guard before Hodges & Co. got it; there was no discipline there then; the men run loose in the prison, and the state of discipline was such that I think some of those about the prison were afraid to go inside. A short time before Hodges & Co. took the prison, Thomas Chappel had charge, but at the time it came into the possession of Hodges, Peay & Ayliff, it was under the charge of D. H. Woodard. Just before the prison went into the hands of Hodges, Peay & Ayliff, Mr. Woodard caused the prisoners to be disarmed of knives, &c., and watches, and their hair cut short; and I regarded life as being much safer than it was before, when under the management of Chappell. I never punished a convict too severely, since Hodges, Peay & Ayliff took charge; I do not think I ever said that convicts were punished too severely; think the diet was better before, under Mr. George, than under Hodges, Peay & Ayliff; I do not know how it is now; they could have lived on much less, and got along very well; aside from the diet, I do not think any just cause of complaint could be made. Beef, corn-bread, coffee, and sometimes wheat-bread, made up their ration. Work commenced in the shops about sun-up; then rested for dinner about a half an hour, and worked until about sun-down; during the time the convicts were in the shops they were not over-worked. The health of the convicts was good during the time I was employed by Hodges, Peay & Ayliff; none of them died, and all were well cared for in the hospital. I never knew a colored man punished more severely than whites; the instrument for punishment used was a leather strap, about three inches wide, fastened on a stick about a foot long. I do not know anything definitely about the colored man who had his leg broken. I left the Penitentiary the last of May, 1867.

WILLIAM E. MCPHERSON.

JAMES ARD.—I am thirty-seven years old, and a wagon-maker. In 1857, I was convicted on charge of assault with intent to kill, and sent to the Penitentiary at Little Rock; was pardoned by the Governor; commenced work in the wagon-shop in the Penitentiary about the 1st of October, 1867 (as a laborer); was there about a month and a half; have seen several prisoners whipped; saw one whipped for taking a piece of bread; I saw him take it myself; he was struck over the head with a walking-stick by John Woodard; did not break the stick; another man was accused of stealing; saw him examined; they found some meat-skin on his person; he was whipped—was a colored man; he got at least twenty-five lashes and not more than fifty; in 1857, when I was in the Penitentiary, part of the time I fared better than the prisoners do now, but a part of the time I fared as bad as they do now; all the men I saw whipped were colored; do not suppose they were whipped more than the whites, only I did not see them whipped; I do not know that colored men were harder to control than white; have seen as many as three whipped in one day, and then I have known as long as a week that no one was whipped;

have seen persons put their feet upon the head and neck of prisoners when whipping; sometimes it looked like they had plenty of rations, then again it looked a little scant; they had corn bread, beef, beef soup, and coffee. Never saw any one so severely punished that he could not work; do not think that they made any difference in clothing, food, or treatment of blacks and whites, at least I could see none—the tables looked alike, and about the same food; Pears was present when one negro was whipped, so was Hensley, and D. H. Woodard. John Woodard whipped two; I never whipped anybody; I reported one man because he would not mind me; he was not whipped; was a colored man, but they told him if he did not mind me that they would whip him. Mr. Hodges was at Little Rock about one week after I was employed, and then started North; I was discharged before he returned; was accused of giving a prisoner some whiskey; never drank to excess during working days; was not drunk within prison limits; have been a convict, sentenced for an assault with intent to kill; sent for five years; served my time out all but nine days; assaulted Wm. Steel and Martin Calaway; they assaulted me on the public road; they were the only witnesses against me; they swore I commenced on them; one of them tried to shoot me; they wanted me to swear a lie, and I would not do it. I think they attacked me to keep me from blowing on them; they swore falsely.

J. W. Ard.

Geo. R. Weeks.—I am forty-two years old, and by profession, a surgeon; have been engaged in the Penitentiary in manufacturing, under the provisions of the Act of the Legislature of Arkansas, by which the Penitentiary was leased to Hodges, Peay & Ayliff. Had charge of the matter, fully, from 1st of October to 1st of December, 1867. Know James Ard was at work at Penitentiary, during the time mentioned, in wood-shop. Discharged him on account of drunkenness and general worthlessness.

Geo. R. Weeks.

Sworn and subscribed to before me, an acting and duly commissioned Justice of the Peace, this first day of February, A. D. 1868.

Clifford Stanley Sims, J. P.

Ralph Wilson (colored.)—I am thirty-one years old; by occupation, I am a blacksmith; spent nine months within the past two years, in the Penitentiary at Little Rock; was convicted for stealing hogs; got out of the Penitentiary on the 8th of January, 1868—was not pardoned.

Your Committee deeming this witness incompetent, refuse to proceed further with the examination.

Andrew Mathews (colored.)—I am twenty-nine years old; by occupation a laborer; was in the Penitentiary a little over eleven months; was sent there for stealing a pig; was sent from Columbia County; have not been pardoned; served my time out, and always obeyed the rules and never got whipped.

Your Committee, deeming this witness incompetent, refuse to proceed further with the examination.

Thomas Chappell.—I am thirty-eight years old; have been a steward, and at present a bar-tender; have been in this State for about seven years; was employed at the Penitentiary as a guard during the year 1867; I was in charge of the Penitentiary then, for Mr. George, about a month and six days; remained one month as a guard, after Hodges, Peay & Ayliff got the prison. At the time they took possession, there was no discipline; the convicts performed no labor; they run around loose in the prison-yard; they chopped their own wood. After Hodges, Peay & Ayliff took possession, they introduced prison discipline, such as I supposed exists in other penitentiaries; do not think the discipline unreasonable, and if convicts did as was required, would get along very well; have seen from ten to twenty blows with the strap given, but never knew it to disable any one from his ordinary labor; never saw the blood cut from a man; no discrimination, as far as I know, was made—white and black were punished alike for disobedience; do not think an institution of that kind could be properly controlled without the lash or some such punishment; do not think the locking up in cells would be such punishment as would produce desirable discipline. The ration issued to convicts during the time I was employed by Hodges, Peay & Ayliff, I think was sufficient, and upon the whole, satisfactory, so far as I know. There were more blacks whipped than whites; none were punished unless they violated the rules. The blacks seemed to be as easily controlled as the whites. First and second offences were always light; hardly ever punished for the first offence—have known them punished as often as three times, but for different offences. I have known the prisoners to fight, but this was while Mr. George had charge.

Thomas Chappell.

W. P. Ayres.—I am eighteen years old; by occupation a clerk; am not doing anything now. I have been at the Penitentiary for five months, ending in November last; was employed as a guard. So far as I know, during the time I was there, the convicts were treated well; have seen convicts whipped, but not very severely—no more, in my opinion, than was necessary to enforce discipline; there was, so far as I observed, no discrimination on account of color; colored men were not punished harder for the same offence than white persons; order and discipline could not be enforced, unless some kind of punishment was resorted to, and I believe whipping to be the best plan. I think the convicts all got enough to eat. There was a man got sick at the brick-yard, who was dropsical; he commenced hollowing; young Woodard tried to make him be still; did not strike him, but sent him in a cart to the Penitentiary; have understood that the man died.

W. P. Ayres.

John G. Halliburton.—I reside at Little Rock; am a practising physician; have been Attending Physician at the State Penitentiary since the 7th of February, 1867, and still occupy said position. My rule is to visit the prison daily, whilst making my professional round—generally in the morning. When I first went to the prison as physician, I found it in a very dilapidated condition; the discipline was then in a very chaotic state; as far as I am familiar with the state of such kind of discipline, I think it is very good now. At one time, when I was crippled, I employed Dr. Hooper to attend to the duties of the prison for me, for about twenty or thirty days. I think the convicts received plenty of good and wholesome food; and served in good shape. I once remarked to the warden that I really envied the convicts such a good breakfast as they were then enjoying, as I had not had as good a one myself. As a regular practising physician, I think I could tell whether men were stinted, or had sufficient food, and I judge that the convicts had plenty of food, by their looks and appearance. I am permitted to talk with the convicts whenever I desire, and to enter or depart as I wish, and also take my friends with me; I frequently take a friend with me to show him the state of the prison, as I feel quite proud of the manner in which it is conducted, and the appearance of the convicts: I don't think, from seeing the state of the prisoners, and my facilities for ascertaining, that there could be any insufficiency of food without my observing, and I have never observed any indications of that. I have never discovered any sign of corporeal punishment sufficient to disable a prisoner; had any one been so abused, I would certainly have discovered it. My opinion of the general health of the convicts is, that it has been very remarkably good. I keep a record of all deaths occurring, with the disease of which they died. I recollect a dropsical case who died, but I do not remember his name—he was a colored man. Dr. Hooper, at the time I was crippled, attended on him; he told me he was almost a dead man when he came, and explained to me the nature of his disease. Persons afflicted with the disease as badly as he was, are liable to die at any moment,—he had general dropsy, but particularly dropsy of the chest—very suddenly; and he was very bad off when he came, and continued getting worse—I mean that his disease was becoming worse; and I told Mr. Woodard, the warden, that I thought out-door exercise would be beneficial to the prisoner; he was outside when he was taken so badly, and was brought to the hospital and placed in my care; he died in a day or two afterwards; I should have noticed had he received any bodily injury. I noticed none—no marks of any injury on his person; I think the only and sole cause of his death was dropsy, as before stated. I am familiar with Acts of the late Legislature under which Hodges, Peay & Ayliff hold their contract; they are fulfilling their contract strictly in accordance with said terms of contract. I have examined, from time to time, the work the said firm are performing for the State under said contract, and think they are doing work equal, if not superior, to that of any other public or private contract I know of; the work is all first-class. My attention has never been called to the marks of punishment on any convict. I don't think there has been any distinction made in the treatment of convicts on account of color; I never knew any distinction made in the last three months. The number of deaths has been about one or two; since about the 20th of October last, there has been but very little sickness of any kind in the prison. I am acquainted with Mr. Woodard; his treatment of the convicts is as lenient as is consistent with the prison discipline.

J. G. HALLIBURTON.

JOHN B. YOEST, *sworn.*—I have been in the employ of the Penitentiary since the 3d day of January, 1867. I worked for Alex. George all the time he had the charge of it, and continued in the employ of Hodges, Peay & Ayliff, after they took it in charge, until the 8th of March, 1867; am now at work at the State Penitentiary—commenced on the 21st of November last; I am gate-keeper at the entrance; first time I was employed by Hodges, Peay & Ayliff, I worked in the blacksmith shop; when I was working for Mr. George I was employed as guard; Alex. George did not have charge in person; Mr. Chappell, the warden, was in personal charge of it. I know Thos. Chappell. I also know Mr. McPherson who was employed at the same time by Mr. George. The condition of the prison at the time Chappell was in charge under Mr. George, was bad; Mr. Chappell complained a great deal of the convicts fighting; I also heard the convicts fighting, and saw them fighting with each other. The convicts plotted at one time to make an escape by getting over the wall; they had a ladder, and some of them were on the wall getting over; a colored prisoner came to a guard and signified to him, by signs, for him to go round the walls. When the guard came to where the prisoners had made their escape, they had succeeded in getting over the wall—five or six convicts escaped at that time. The reason why they made their escape was because Mr. Chappell, the warden, through fear, did not exercise such strict guard as was required—he being afraid to go in among the convicts. The convicts were continually fighting, and Mr. Chappell was afraid to go among them. Mr. Chappell remarked frequently that he wished Mr. Woodard was there to take charge of the prisoners, as he could understand how to do it; he wrote Mr. Woodard to come and take charge, as warden, of the Penitentiary. The evening after the escape mentioned, the colored man who informed the guard, was struck over the neck, and almost killed, by a convict—he was struck with a hand-saw; the convict, I think, was a soldier—he was a very desperate man. The colored man was also a convict. The same day Mr. Woodard took charge, the convicts had a fight; one of them came down to the gate and notified the keeper, and Mr. Woodard went in and stopped the fight—never had any fighting since Mr. Woodard came. The prisoners were not safe before Mr. Woodard came—the white convicts always abused the colored ones—since Mr. Woodard has forbidden the guards, and other employés, to strike any prisoner, there is no distinction made on account of color. I see no difference in the quantity of food now and in Mr. George's time—they have plenty of rations. I have never heard prisoners complain of a scarcity of food, but have heard them say they had plenty.

JOHN B. YOEST.

DAVID HILL (colored.)—I am twenty-eight years old; have been employed at the Penitentiary about one year; attend to such things as Captain Hodges may direct. I am in the prison more or less every day; get all the water for drinking and cooking purposes inside the prison walls; am usually there before any of the convicts get breakfast; have often been there during meals; have seen what the convicts had to eat—told a prisoner to bring me his ration of bread; he did so; it was about the usual size given for one meal; it weighed precisely one pound and a quarter; it was corn bread. I asked him if he got that three times a day; he said he did, and meat in proportion. I think that they got in the neighborhood of five pounds of food per day. Prisoners who attend at the stables, have often given me their surplus rations, saying that they had more than they wanted. I have been there at all hours in the day; the keeper lets me out and in whenever I want; never saw any one whipped, and have tried to see some of them, but never did. I have looked to see if there was any difference in the treatment of black and white people, but never could see any; at the tables I never could see any difference in the food, every one fared alike; think the ration sufficient—do not think I could eat all of it. The food is cooked as well as my wife cooks it; beef, bacon, coffee, corn bread, soup, molasses, constitute rations, and sometimes biscuit; have often taken milk from Captain Hodges' house and given it to sick prisoners, which they have told me saved their lives. Think Mr. Woodard is a good and humane man; has always appeared kind; have known men to come to him and complain of being sick, and he told them to go to their cells; never knew or heard of any persons being punished so that they were disabled from labor; think I would have known of it if any such thing had occurred; talk with from fifteen to twenty of them every day. I know James Ard; he worked in the wagon-shop at the Penitentiary; he was in the habit of getting drunk in the prison; have seen him so drunk he could hardly steady himself; was quarrelsome and disposed to fight when drunk; would have had a fight one day if it had not been for D. H. Woodard—was going to kill an old colored woman; she was a convict; swore he would knock her other eye out; that no d—d nigger should live and order his children; came to the prison on a Monday morning drunk, and the gate-keeper was instructed to keep Ard out; I saw a convict in Ard's house; Ard gave him a bottle and said: "Drink, by God, I paid for it; help yourself;" the man's breath smelled of whiskey; I asked him to keep still in my house; before he (the prisoner) went away, he showed signs of intoxication—was loud and boisterous in his conversation. Ard said to me that Woodard found fault with him because he, Ard, would not respect and treat black prisoners as well as white; that he was a Southern man, and by God he intended to be one. I was a commissary sergeant in the 113th U. S. C. I.

DAVID HILL.

W. T. McCULLOUGH.—I am twenty-three years of age; by occupation a laborer; have been driving a team and carriage for the past twelve months; was employed in the Penitentiary about eleven days, as a guard; was in the shoe-shop; so far as I know, work commenced about five o'clock and worked until eight, and went to breakfast, and then worked until two o'clock, P.M., quit about sundown; saw the convicts put safely in their cells; took their suppers with them; all found disobeying orders were punished by whipping, when the offence deserved it; think they had plenty of food; it was well cooked; had opportunity to see the things of which I speak; had charge of the large gang then in the prison; the beds were clean and comfortable, and sufficient cover; clothing of convicts was sufficiently warm for the weather; were well clothed; the rules were always read, so that they might be known; when they were intentionally violated, they were punished; the rules were read to each man when he entered; so far as I could see, there was no distinction on account of color; I never made any distinction, no matter who it was that violated the rules; ordinarily, he was punished; have seen persons whipped; three or four, I think; none of them were thereby disabled from their ordinary work. I think putting in a strait jacket, tying up and *reducing the allowance of food*, and confinement in cells, would be a better punishment; would allow sufficient food to sustain life until such time as he repented. Never knew any one punished for not performing sufficient work; have never been employed as a guard in other prisons, and have no experience in their management; if I was confined, I would prefer the treatments I have enumerated; dislike whipping. I am no judge of these things, but merely state what I think would be best.

Wm. T. McCullough.

A. L. E. Nash, *sworn*.—Am thirty-eight years old; I have been engaged as foreman in shoe-shops in different Penitentiaries, and other similar institutions; in Monroe County Penitentiary, New York, which is a branch of the New York State Penitentiary, Western House of Refuge, in Rochester, New York during that time, I was in the employ of Churchill & Co., manufacturers of boots and shoes; am familiar with the mode of punishment in the said institutions; the various methods used are "bucking," "spreading and whipping with the cat;" have seen prisoners whipped until their backs looked like a piece of beefsteak; also, putting prisoners into a cistern, where they must pump or drown. I am familiar with the system and practice of punishment as practised at this place; have never seen a drop of blood drawn from a prisoner by whipping; the punishment of convicts at this prison is much lighter than at any of the places I have been; discipline is better here, I think. Am acquainted with Mr. Woodard; he is a humane man in the treatment of prisoners; treats them kinder than I would; know that he is more careful in the shops with the blacks; if anything, more than the whites; saying that they were less accustomed to strict discipline than whites, and less knowledge about learning to labor in the shops; that none must be impatient, but treat all kindly; have known him to reprimand guards for attempting to make distinctions among prisoners; know that James Ard was reprimanded twice by Mr. Woodard for attempting to abuse, and discriminating against persons of color; one was called Martha; said she had one eye, and he would knock the other out; was very mad, and would have done so, I think, if Mr. Woodard and wife had not interfered. Know, from visiting the dining-room after dinner, that a majority of the convicts left large quantities on their plates; have much more to eat than I have, and just as good, and I board outside the prison. Have all been well clothed; think they have been well shod, and if anything, extravagantly. Health has been good; is much better than I have seen in other prisons.

A. L. E. Nash.

D. H. Woodard.—I am thirty-five years old; have been in charge of the Penitentiary since last January, as a warden; Alex. George had charge before it came to the possession of Hodges, Peay & Ayliff; everything was in miserable condition; in fact, nothing but the naked walls; prisoners poorly clothed, no discipline; prisoners conducting themselves very badly; fighting, disabling one another, and some escaping. When I came here, they were having a free fight in the wood-house; they had a ring formed; Mr. Chappell and McPherson seemed to be in charge, and were informed by Mr. George that they were afraid to go in and stop the rioting and unruly conduct. Mr. George took me in his buggy and brought me up here; when I got authority from the Governor to do so, I commenced and restored something like the discipline that existed before the war, and should exist in all prisons. The mode of punishment is as follows: 1st. Reprimanded. 2d. Taking away of tobacco. 3d. Locking up in cell and reducing ration. 4th. Whipping. Never had a man struck more than fifteen lashes; do not think that the use of a lash, or some other severity, could, with safety, be abolished; it would endanger the lives of all who come here, if strict discipline was not enforced. My instructions are, to treat all prisoners kindly, and with civility; never to punish, only when good order and discipline could not be obtained otherwise; but to keep discipline at all hazards; to give sufficient rations to all, but not to cook and have it wasted; have never tried to cook less, nor have I been so instructed, but on the contrary, Mr. Hodges has always told me to see that all had a plenty. They get three meals per day, and at each meal about one pound and a quarter of bread, about one pound four ounces of meat per day; some days more. In addition to this, they get soup, coffee, beans, or potatoes, molasses, mush, and now and then wheat bread Know James Ard; worked in the wood-shop about six weeks; think he commenced October, 1867, and when he states that I ever struck a man more than fifteen lashes, he swears falsely; he never saw but one prisoner whipped; he never saw me put my foot upon the neck of any prisoner; in all the punishment I have inflicted, none were disabled from work.

There is no distinction on account of color—I would not tolerate it; had to reprimand James Ard for attempting to treat colored worse than white; had to stop him one night to keep him from killing a negro woman; her name was Martha; had one eye; said he intended to knock the skull down into the other eye, and threatened to abuse her otherwise; was drunk here on week-days; gave some of the prisoners liquor; gave to Jones, a convict, to such an extent that the prisoner was intoxicated. I asked that Ard be discharged for drunkenness, giving liquor to convicts, and for improperly treating convicts; and, for these reasons, he was discharged; do not see that colored persons are harder to control than white; there is not much difference; there are only three black men that I have any trouble with; often let prisoners go out without guard; never had any such run away.

D. H. Woodard.

[COPY.]

HEADQUARTERS POST OF LITTLE ROCK,

Little Rock, Arkansas, Nov. 26, 1867.

Maj. O. D. Greene,
Assistant Adjutant General Fourth Military District, Holly Springs, Miss.:

Sir: Agreeably to Special Orders No. 144, current series, from Headquarters Fourth Military District, I have the honor to submit my Inspection Report of the Military Prison at Little Rock, Ark., for the month of November, 1867:

I visited the prison on the 24th instant, and found that the contract between the Lessee thereof, and the United States, is fully complied with; that the health of the prisoners is properly attended to; that the food is of proper quality, and sufficient in quantity; and that all other points of prison economy and police have been observed, as far as present condition of the establishment will permit.

The Lessee, Mr. J. L. Hodges, is a just and humane man. The rules and regulations governing the prison are similar to what long experience has proved best in the oldest establishments in the country; and, during the past two months, scarcely an instance of punishment has been necessary to enforce obedience to these rules.

Improvements are being made in every branch, which will materially improve the condition of the buildings, and contribute much to the comfort of the prisoners.

I would respectfully ask attention to the fact, that prisoners are frequently sent to this prison without any order whatever accompanying them; and, in many cases, no descriptive list and account of clothing.

All of which is respectfully submitted.

I am, sir, your obedient servant,
(Signed) RICHARD ARNOLD,
Captain 5th Artillery, Brev't Maj. Gen. U. S. A., Commanding Post,
and Supervising Inspector Military Prison.

[OFFICIAL COPY.]

HEADQUARTERS FOURTH MILITARY DISTRICT,

HOLLY SPRINGS, MISSISSIPPI, Dec. 3, 1867.

Respectfully furnished Mr. J. L. Hodges, Lessee of the Military Prison at Little Rock, Arkansas, for his information.

By command of Brevet Major General ORD.

(Signed) O. D. GREENE,
Assistant Adjutant General.

Number of prisoners on hand, received, and deceased, since 7th February, 1867, at the Arkansas State Prison:

	Confined.	Died.	Total.
State convicts,	116	8	124
United States convicts,	70	6	76
Confined by sundry authorities for trial,	25	2	27
	211	16	227

A correct abstract of the Prison Register.

JOHN McCLURE,
Chairman.

III.

PAPERS SUBSEQUENT IN DATE TO ADJOURNMENT OF CONVENTION, AND PRECEDENT TO ELECTION FOR RATIFICATION.

F.

NOTICE.

In pursuance of the requirements of the Act of Congress, entitled "An Act for the more efficient government of the Rebel States," and the Acts supplemental thereto, and in accordance with an Ordinance of this Convention,

Notice is hereby given: That the Constitution framed and adopted by this Convention, for the State of Arkansas, will be submitted for ratification to the persons registered as voters in said State, under the provisions of said Act of Congress, at an election which will commence to be holden in the several counties, in said State, on the 13th day of March, 1868; said election to be conducted by officers or persons appointed by the Commanding General of this, the Fourth Military District.

Dated at Little Rock, this 11th day of February, 1868.

THOS. M. BOWEN,
President Constitutional Convention.

J. G. PRICE,
Secretary.

G.

ELECTION NOTICE.

Take notice, that on the 13th day of March, A.D. 1868, an election will commence to be holden in the various counties in the State of Arkansas, under, and in pursuance of, the provisions of the Constitution for said State, framed and adopted by the Convention which assembled at Little Rock, on the 7th day of January, 1868; at which election said Constitution will be submitted, for ratification, to the persons who are legal voters under said Constitution. And persons to fill the following offices will be voted for, viz.: Governor, Lieutenant-Governor, four Judges of the Supreme Court, Auditor, Secretary of State, State Treasurer, Superintendent of Public Instruction, Attorney-General, Members of Congress, State Senator, Representatives, and all County Officers.

Dated at Little Rock, this 11th day of February, A.D., 1868.

JAMES L. HODGES,
JOSEPH BROOKS,
THOMAS M. BOWEN,
State Board of Commissioners of Election.

H.

HEADQUARTERS SUB-DISTRICT OF ARKANSAS,

LITTLE ROCK, ARK., Feb. 14, 1868.

GENERAL ORDERS }
No. 4. }

I. Pursuant to the order of the Constitutional Convention, acting by virtue of Supplementary Reconstruction Act of Congress, passed March 23d, 1867, and telegraphic authority from Headquarters Fourth Military District, dated Vicksburg, Miss., February 13th, 1868, an election will be held in the State of Arkansas, commencing March 13, 1868, for the ratification of the Constitution submitted by Constitutional Convention.

The precincts of each county will be divided, and Commissioners of Election organized by the appointment of three Judges and three Clerks of Election, in the same manner as was done for the election of delegates to the Constitutional Convention.

II. Fourteen days prior to the election (February 28, 1868), the registration precinct books will be opened at the County-seat, and kept open five successive days, for the revision of the registration, in accordance with Section Seventh (7th) of Supplementary Reconstruction Act of Congress, passed July 19, 1867.

III. Boards of Registrars will obtain the precinct books from the County Clerk, with whom they were deposited.

IV. When not otherwise directed, Boards of Registrars will be governed by the provisions of General Orders No. 31, dated Headquarters Fourth Military District, Vicksburg, Miss., September 26, 1867, for election of delegates to the Constitutional Convention, extracts of which are herein published for their information:

* * * * * * * * *

"In order to secure as nearly as possible a full expression of the voice of the people, the election will be held at each precinct of every county of the State in the District, and, as required by law, under the supervision of the County Boards of Registration. The method of conducting the election in each county will be as follows: Immediately upon receipt of this order, Boards of Registrars will meet, divide the whole number of election precincts, of their respective counties, into three portions, as nearly equal in number as possible, and assign one of the shares thus made to each Registrar, who will be responsible for the proper conduct of the election therein; whereupon each Registrar will appoint a Judge and Clerk of Election, who, with himself, will constitute the 'Commissioners of Election' for all the precincts of his district.

* * * * * * * * *

"Commencing fourteen (14) days before the election, Boards of Registrars will, after having given reasonable public notice of the time and place thereof, revise for a period of five (5) days the registration lists, and upon being satisfied that any person not entitled thereto has been registered, will strike the name of such person from the list, and such person shall not be allowed to vote. The Boards will also, during the same period, add to the registry the names of all persons who at that time possess the qualifications required by law, and who have not been already registered.

"All changes made in the lists of registered voters will be immediately reported to these Headquarters."

By Command of Brevet Brig. Gen'l C. H. Smith.

Samuel M. Mills,
1st Lt. and Adj't 28th Infantry, A. A. A. G.

I.

HEADQUARTERS FOURTH MILITARY DISTRICT,

(Mississippi and Arkansas)

Vicksburg, Mississippi, February 14th, 1868.

General Orders }
No. 7. }

I. The Arkansas Constitutional Convention, convened at Little Rock, Arkansas, pursuant to General Orders No. 37, series of 1867, from these Headquarters, having framed a Constitution and civil government in compliance with the laws of the United States, known as the "Reconstruction Acts," and having provided for the submitting of said Constitution to the registered voters, at an election to be ordered by the General Commanding the District, said election is by authority of the above stated laws, and in accordance with the provisions of the Constitution, hereby ordered to be held in Arkansas, beginning the 15th [13th*] day of March, 1868, and continuing until completed; at which election the registered voters may vote for or against the ratification of the Constitution herein mentioned.

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* Corrected in official copies furnished from Headquarters Sub-District of Arkansas.

II. Commencing fourteen days before the election, Boards of Registrars will, at the County-seat, or the most accessible place, after having given reasonable public notice of the time and place thereof, revise, for a period of five days, the registration lists, and, upon being satisfied that any person not entitled thereto has been registered, will strike the name of such person from the list, and such person shall not be allowed to vote. The Boards will also, during the same period, add to the registry the names of all persons, who at that time possess the qualifications required by law, and who have not been already registered. All changes made in the list of registered voters will be immediately reported to these Headquarters.

III. In order to secure as nearly as possible, a full expression of the voice of the people, the election will be held at each precinct of every county of the State of Arkansas, and—as required by law—under the supervision of the County Boards of registration. The method of conducting the election in each county will be as follows: At the meeting provided in the foregoing paragraph, each Board of Registrars will divide the whole number of election precincts of their respective counties into three portions as nearly equal in number as possible, and assign one of the shares thus made to each registrar, who will be responsible for the proper conduct of the election thererein. Thereupon each registrar will appoint a judge and clerk of election, who, with himself, will constitute the "Commissioners of Election," for all the precincts of his district. Each registrar will provide himself with a ballot-box, with lock and key, and of sufficient size to contain the votes of all the registered voters in the largest precinct. Each registrar will give full and timely notice throughout his district, of the day of election in each precinct, so that he, with his judge and clerk, can proceed from precinct to precinct of his district, and hold election on consecutive days—when the distance between precincts will permit—with a view to the early completion of the voting. The election will be by ballot, and will be conducted in all details, not herein prescribed, according to the customs heretofore in use in the respective States. Each ballot will have written or printed upon it: "Constitution" or "Against a Constitution." Each voter, in offering his ballot must exhibit his certificate of registry, across the face of which the clerk of election will write his name in red ink, to indicate that a vote has been cast upon that certificate—at the same time the registrar will check off the voter's name on the precinct book, serving as the "poll-book." The polls will be opened by 9 o'clock, A.M., at each precinct, and will be kept continuously open until sunset, at which time the polls will be closed, the ballot-box opened, votes counted by the Commissioners, and a written return thereof, under oath of the Commissioners, immediately made to these Headquarters, in duplicate. The votes cast will then be securely enclosed and forwarded by mail to the Acting Assistant Adjutant General at these Headquarters, with a letter of transmittal, setting forth the number of votes cast for and the number against a constitution, which letter will be witnessed by the deputy sheriff present in accordance with the requirements of paragraph V of this order.

IV. Judges and clerks of election will be selected by registrars, preferably from among the residents of their respective districts, but if they cannot be obtained therein, competent and qualified under the law, then from among the residents of the county, and if not attainable in the county, then from the State at large; they are required to take and subscribe to the oath of office, prescribed by the Act of Congress of July 2d, 1862, which oath may be administered by the registrar. The oaths, properly subscribed, will be forwarded immediately, for file in the office of the Acting Assistant Adjutant General at these Headquarters.

The pay of these officers will be six dollars (6) per diem, for each day they are actually employed on their legitimate duties, and their actual expenses of *transportation within their district* will be reimbursed.

V. The sheriff of each county is made responsible for the preservation of good order, and the perfect freedom of the ballot at the various election precincts in his county. To this end he will appoint a deputy—who shall be duly qualified under the laws of his State—for each precinct in the county, who will be required to be present at the place of voting during the whole time the election is being held. The said deputies will promptly and fully obey every demand, made upon their official services, in preserving the peace and good order, by the Commissioners of Election. Sheriffs, in making their appointments, will exercise great care to select men whom they know to be in every way able to serve. Deputies appointed in accordance with the foregoing will be paid five dollars for the day's service, on accounts approved by the registrar, out of the reconstruction fund.

VI. As an additional measure for securing the purity of the election, each registrar, judge and clerk, is hereby clothed with all the functions of a deputy sheriff or constable, and is empowered to make arrests, and authorized to perform all duties appertaining to such officers under the laws of the State, during the days of election.

VII. At every precinct on the days of election, all public bar-rooms, saloons, or other places at which intoxicating or malt liquor is sold at retail, will be closed. Should any infraction of this respect, come to the knowledge of the Commissioners of Election, or the deputy sheriff in attendance, they will immediately cause the arrest of the offending party, or parties, and the closing of his, or their, place of business. All parties so arrested will be placed under bonds, of not less than one hundred dollars ($100), to appear for trial when required by proper authority, or in case of failure to give the required bond, will be held in arrest to await the action of the General Commanding.

VIII. Should violence or fraud be perpetrated at the election in any precinct, the General Commanding will exercise to the fullest extent the powers vested in him, for the purpose of allowing to all registered electors an opportunity to vote freely and fearlessly.

IX. No registrar, judge, or clerk, will be permitted to become a candidate for office at the election for which he serves as Commissioner.*

X. Such further orders as may be deemed necessary by the General Commanding, upon the subject of elections for State or other officers, as may have been provided for by the Convention, will, when the Constitution, or Ordinances of the Convention relating to the subject, shall have been received, be issued.

By command of Brevet Major-General Alvan C. Gillem:

John Tyler,
1st Lieut. 43d Inf., Bvt. Maj. U. S. A.,
Acting Assistant Adjutant General.

J.

CORRESPONDENCE

Between Board of Commissioners of Election, and Bvt. Maj. Gen. Gillem, Comm'd'g Fourth Military District.

1.

Office Board of Commissioners of Election,
Little Rock, Ark., Feb. 20, 1868.

Bvt. Maj. Gen. A. C. Gillem,
Comm'd'g Fourth Military District, Vicksburg, Miss.

General: The President of the Convention, and other parties, having telegraphed you, from time to time, upon matters of expense incurred by reason of the late Constitutional Convention, and the provisions adopted by it for submitting the Constitution to the people for ratification; also for the election of officers, thereunder, to form a civil government; we, the undersigned Board of Commissioners of Election, appointed under provisions of Section Four of the Schedule to the Constitution, desire to submit the following for your consideration, viz.:

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* To the official copies of this Order, furnished from Hdqrs. Sub-District of Arkansas, was appended the following note:

The election of officers being held at separate polls, Par. IX has no application.

The Act entitled "An act to provide for the more efficient government of the Rebel States," passed March 2d, 1867, and acts supplementary thereto, provide for a Constitutional Convention to be held under certain circumstances therein set forth.

Such Convention has assembled, passed a Constitution, and provided for the election of officers thereunder, and to form a civil government in accordance with the provisions of said acts.

The above acts direct that the Convention shall provide for the submission of the Constitution to the people, at a poll, to be held under military direction and authority. (See Sec. 4, Supplementary Act.) This has been done. (See Ordinance to the Constitution entitled "An Ordinance to provide for an election by the voters registered, in this State, under an act entitled 'An Act to provide for the more efficient government of the Rebel States,' passed March 2d, 1867, and the acts supplementary thereto.")

Such Reconstruction Acts also contemplate that the General Assembly (Legislature), under the provisions of the Constitution adopted by said Convention, shall adopt the Amendment to the Constitution proposed by the Thirty-Ninth Congress, and known as Article XIV. (See Sec. 5, of said Act.) This being the case, it must have been intended, at least, that members of the General Assembly should be elected under the new Constitution, and, by necessary implication, other officers of State must be elected, should the Constitution be ratified by the people to establish a civil government loyal to the United States. Hence, if the above be true, there must be an election held for the selection of such officers.

The details of such an election are not provided for in said Acts, and therefore must be provided for by the Convention.

Indeed, we are unable to see by what stretch of authority the Convention could have provided that said election for officers should be held under the direction and authority of the military, there being no provisions for receiving such votes, or counting them at said polls, or for anybody to issue certificates of election to such of them as might be elected. (See, again, Sec. 5, of said Act, in respect to submitting the Constitution to the people; also Sec. 3 and 4 of the first Supplementary Act.)

Taking such views of the Acts of Congress, as above, the Convention passed a Schedule providing for the submission of the Constitution to the qualified electors under its provisions, and also for the election of members of the General Assembly, and all other officers necessary to carry the Constitution into effect, if adopted, and to establish civil government in the State of Arkansas.

This we believe to have been the duty of the Convention; and such acts are plainly contemplated in Sec. 11 of the explanatory Reconstruction Act.

The Convention, by providing for holding such election under its own auspices, has only followed in the line of the most approved precedents.

Every Constitutionl Convention heretofore assembled in the United States—except in those States where the action of the Convention was final—has provided the details for submitting its constitution to the people, and for the election of officers thereunder. It was clearly the duty of this Convention to do so. It has done so, in the manner plainly contemplated by the Reconstruction Acts, under which it assembled.

The Acts of Congress, above referred to, then, unquestionably contemplate that an election should be held in the manner indicated in the Schedule to the Constitution, and the expenses of the same must be as legitimate and as proper as any of the expenses of the Convention.

The Convention, viewing the subject in this light, passed the Ordinance herewith enclosed.

Now we respectfully desire that these expenses be paid the same as the other expenses of the Convention, either by providing the money, or by ordering that the warrants issued shall be receivable for taxes, and that it may be so understood by all; for, if the undersigned are compelled to resort to the issue of scrip, as is provided for in Sec. 4, of the Ordinance, in payment of the expenses incurred in holding the election provided for in the Schedule to the Constitution, it will, no doubt, cost the State much more than it would, were it understood that the expenses incurred under it, met the approval of the Commanding General, and were provided for, by him, the same as has been done for all other expenses of the Convention.

* Very respectfully,
Your ob'd't serv'ts,
JAS. L. HODGES,
J. BROOKS,
T. M. BOWEN,
State Board of Commissioners of Election.

2.

HEADQUARTERS FOURTH MILITARY DISTRICT,
(Mississippi and Arkansas,)
OFFICE OF CIVIL AFFAIRS,
VICKSBURG, MISSISSIPPI, March 2, 1868.

MESSRS. JAS. L. HODGES, J. BROOKS, T. M. BOWEN,
Commissioners of Elections, Little Rock, Ark.
Through HD. QRS. SUB-DISTRICT OF ARKANSAS,
LITTLE ROCK, ARK.

GENTLEMEN: In response to your communication of the 20th ultimo, upon the subject of the payment of the expenses of the *election in* Arkansas, provided for by the Schedule to the Constitution, I am directed, by the General Commanding, to inform you that said expense will be paid out of the appropriation for defraying the expenses of the Convention; and that the Auditor's warrants, issued therefor, will be receivable for the taxes levied by said Convention.

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* The subscription and signatures, here supplied, do not appear in the official copy furnished.

The Auditor of the State is, this day, instructed accordingly, and a copy of the letter, to him, is herewith enclosed for your information.

I am, gentlemen,
Very respectfully,
Your ob'd't serv't,
JNO. TYLER,
1st Lieut. 43d Infty.,
Bvt. Maj. U. S. A.,
Act. Asst. Adjt. Genl.

One Enclosure.

[a.]

[Accompanying the above communication, was the following enclosure.]

HEADQUARTERS FOURTH MILITARY DISTRICT,
(Mississippi and Arkansas,)
OFFICE CIVIL AFFAIRS,
VICKSBURG, MISSISSIPPI, March 2d, 1868.

(COPY.)

HON. W. R. MILLER,
Auditor State of Arkansas,
LITTLE ROCK, ARK.

SIR: The General Commanding, directs that the expenses of the election provided for by the Schedule to the Constitution, recently framed by the Arkansas Constitutional Convention, be paid out of the funds appropriated by said Convention for defraying its expenses, and that you issue the necessary warrants upon the State Treasurer, to carry these instructions into effect, which warrants will be receivable for the tax levied by said Convention, and none other.

I am, sir,
Very respectfully,
Your obedient servant,
JOHN TYLER,
1st Lieut. 43d U. S. Infantry,
Brevt. Major U. S. A.,
Act. Asst. Adjt. Genl.

Official Copy.
NAT. WOLFE,
2d Lieut. 34th U. S. Infantry,
Acting Assistant Adjutant General.

K.

AN ACT

TO AMEND THE ACT PASSED MARCH TWENTY-THIRD, EIGHTEEN HUNDRED AND SIXTY-SEVEN, ENTITLED "AN ACT SUPPLEMENTARY TO 'AN ACT TO PROVIDE FOR THE MORE EFFICIENT GOVERNMENT OF THE REBEL STATES,' PASSED MARCH SECOND, EIGHTEEN HUNDRED AND SIXTY-SEVEN, AND TO FACILITATE THEIR RESTORATION."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter any election authorized by the act passed March twenty-three, eighteen hundred and sixty-seven, entitled "An act supplementary to 'An act to provide for the more efficient government of the rebel States,' passed March *two*, [second], eighteen hundred and sixty-seven, and to facilitate their restoration," shall be decided by a majority of the votes actually cast; and at the election in which the question of the adoption or rejection of any constitution is submitted, any person duly registered in the State may vote in the election district where he offers to vote when he has resided therein for ten days next preceding such election, upon presentation of his certificate of registration, his affidavit, or other satisfactory evidence, under such regulations as the district commanders may prescribe.

SEC. 2. *And be it further enacted,* That the constitutional convention of any of the States mentioned in the acts to which this is amendatory may provide that at the time of voting upon the ratification of the constitution the registered voters may vote also for members of the House of Representatives of the United States, and for all elective officers provided for by the said constitution; and the same election officers who shall make the return of the votes cast on the ratification or rejection of the constitution, shall enumerate and certify the votes cast for members of Congress.

SCHUYLER COLFAX,
Speaker of the House of Representatives.

B. F. WADE,
President of the Senate pro tempore.

Indorsed by the President: "Received February 28, 1868."

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

IV.

PAPERS SUBSEQUENT IN DATE TO ELECTION FOR RATIFICATION OF CONSTITUTION.

I.

NOTICE.

OFFICE STATE BOARD OF COMMISSIONERS OF ELECTION,

LITTLE ROCK, ARKANSAS, April 1, 1868.

WHEREAS, At an election commenced on the 13th day of March, 1868, under the provisions of the Schedule to the Constitution, for the ratification or rejection of the Constitution submitted to the people by the Arkansas Constitutional Convention; and

WHEREAS, It appears that a majority of the votes cast, voted for said Constitution.

THEREFORE, By authority vested in us by said Schedule, we do hereby declare said Constitution RATIFIED; and, therefore, in full force and effect from and after this date.

JAMES L. HODGES,
JOSEPH BROOKS,
THOMAS M. BOWEN,
State Board of Commissioners of Election.

M.

ABSTRACT
OF
RETURNS OF AN ELECTION,

BEGUN MARCH 13TH, 1868,

Held under the Provisions of the Schedule to the Constitution.*

COUNTIES.	FOR Constitution.	AGAINST Constitution.	COUNTIES.	FOR Constitution.	AGAINST Constitution.
Arkansas,	1055	—	Marion,	67	—
Ashley,	419	—	Mississippi,	210	—
Benton,	121	—	Monroe,	496	—
Bradley,	304	—	Montgomery,	168	—
Calhoun,	—	—	Newton,	260	2
Carroll,	242	—	Ouachita,	563	—
Chicot,	866	—	Perry,	102	—
Clark,	425	—	Phillips,	2339	—
Conway,	375	—	Polk,	236	—
Craighead,	205	—	Pike,	301	—
Crawford,	402	—	Pope,	375	—
Cross,	161	—	Poinsett,	52	—
Columbia,	601	—	Prairie,	363	—
Crittenden,	600	—	Pulaski,	6175	35
Dallas,	195	—	Randolph,	127	—
Desha,	174	4	Saline,	79	—
Drew,	486	—	Searcy,	307	—
Franklin,	304	—	Sebastian,	497	—
Fulton,	96	—	Sevier,	258	—
Greene,	10	—	Scott,	319	—
Hempstead,	1299	—	St. Francis,	446	—
Hot Spring,	245	—	Union,	501	—
Independence,	588	—	Van Buren,	55	—
Izard,	139	—	Washington,	660	—
Jackson,	247	—	White,	74	—
Jefferson,	3685	—	Woodruff,	224	—
Johnson,	258	—	Yell,	406	—
Lafayette,	395	—			
Lawrence,	116	—			
Little River,	322	—	Total,	30,380	41
Madison,	379	—			

We, the undersigned, a Board of Commissioners of Election, under the provisions of the Schedule attached to the Constitution aforesaid, do certify the above and foregoing to be a full, true, and correct abstract of the votes cast in the various counties of the State of Arkansas, at the election aforesaid.

James L. Hodges,
Joseph Brooks,
Thos. M. Bowen,
State Board of Commissioners of Election for the State of Arkansas.

Thos. M. Bowen,
President Convention.

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* For returns of election held under the provisions of the Acts of Congress, and of the Ordinance accompanying the Constitution, see page 807.

N.

LETTER OF TRANSMITTAL

FROM PRESIDENT OF THE CONVENTION TO PRESIDENT OF THE UNITED STATES,

ACCOMPANYING COPY OF CONSTITUTION,
AND ABSTRACT OF VOTE ON RATIFICATION THEREOF, AT ELECTION HELD UNDER PROVISIONS OF THE CONSTITUTION:

Forwarded in accordance with the provisions of the same.

LITTLE ROCK, ARKANSAS, April 16, 1868.

SIR: I have the honor to transmit herewith a copy of the Constitution of the State of Arkansas, adopted by the Constitutional Convention of said State, in accordance with the Acts of Congress, February 11th, 1868, and adopted by the people of the State at an election held March 13th, 1868, for its ratification or rejection; also an abstract of the votes cast at said election; and desire that you lay the same before the Congress of the United States at your earliest convenience, as requested by Article 8th of the Schedule to said Constitution.

I have the honor to be, very respectfully, your obedient servant,

THOS. M. BOWEN,
President Constitutional Convention.

His Excellency ANDREW JOHNSON,
President United States.

[Accompanying this communication, were, 1st, a certified copy of the Constitution adopted by the Convention, and, 2d, an Abstract of returns of the election held under provisions of the Schedule, for the ratification of the Constitution.]

O.

LIST
OF
STATE OFFICERS,
MEMBERS OF THE GENERAL ASSEMBLY,
AND
MEMBERS OF CONGRESS,

Chosen at the First Election held under the Constitution of 1868

(MARCH 13TH, 1868.)

STATE OFFICERS.

Governor,	POWELL CLAYTON.
Lieutenant-Governor,	JAMES M. JOHNSON.
Secretary of State,	ROBERT J. T. WHITE.
Auditor of State,	JAMES R. BERRY.
Treasurer of State,	HENRY PAGE.
Attorney-General,	JOHN R. MONTGOMERY.
Superintendent of Public Instruction,	THOMAS SMITH.
Associate Justices of Supreme Court,	LAFAYETTE GREGG, JOHN McCLURE, THOMAS M. BOWEN, WILLIAM M. HARRISON.

MEMBERS OF THE GENERAL ASSEMBLY.

DISTRICT.	SENATORS.	REPRESENTATIVES.
1st.	D. M. Goodman.	W. W. Stansberry, Fred. R. Poole, A. L. Pears, J. H. Houghton.
2d.	Parsalla H. Young.	Ephraim Sharp, Jacob Hufstedler, Sr., James M. Livesay.
3d.	M. L. Stephenson.	Benj. Vaughn, Jno. H. Fitzwater, James F. Hopper, Parley A. Williams.
4th.	Enoch D. Rushing.	Jeremiah Clem, Jerome Ferguson, Jesse Millsaps.
5th.	Zach. Keaton.	W. W. Brashear, J. R. Hall, Jr., H. W. Hodges.
6th.	John N. Sarber.	Daniel R. Lee, William A. May, Samuel Dial.
7th.	T. J. Hunt.	Samuel Bard, Jacob Yoes, E. D. Fenno, Jno. F. Owen.

District.	Senators.	Representatives.
8th.	Valentine Dell.	Jno. B. C. Turman, Daniel H. Divelbiss, A. J. Singleton, Arthur Gunther.
9th.	E. G. Barker.	Daniel Coates, E. R. Knight, Asa Hodges, D. P. Upham.
10th.	Ozro A. Hadley, Stephen Wheeler.	M. W. Benjamin, Jno. G. Price, Sol. Miller, A. L. Rush, F. M. Chrisman, Jno. Goad.
11th.	Benj. Thomas, A. H. Evans.	James A. Butler, M. Reed, J. C. Tobias,* Wm. H. Gray, J. T. White, J. K. Whitson.
12th.	John H. Hutchinson.	Geo. M. French, Isaac Ayers, Wm. S. McCullough, Thomas M. Gibson.
13th.	Dwight P. Belden.	Jno. W. Harrison, Josiah H. Demby, Chas. H. Oliver.
14th.	Geo. H. Martin.	Samuel F. Mitchell, S. D. Belden, Richard Samuels.
15th.	Geo. S. Scott.	A. M. Merrick, A. T. Carroll, Monroe Hawkins.
16th.	H. A. Millen.	Robert F. Catterson, Lovinski Ivy.
17th.	I. C. Ray.	Wm. A. Britton, Sol. Exon, Wm. P. Coolidge, Jas. R. Bush.
18th.	Geo. W. McCown.	Wm. A. Beasley, Daniel J. Smith, M. M. Olive.
19th.	Jas. P. Portis.	N. N. Rawlings, W. H. Wright.
20th.	Saml. Mallory, O. P. Snyder.	Peter Moseley, Henry St. John, J. M. Gray, J. J. Williams, G. W. Davis, W. T. Morrow.
21st.	Enoch H. Vance.	Gayle H. Kyle, Jno. J. Gibbons.
22d.	William Harrison, J. M. Mason.	N. M. Newell, Clifford Stanley Sims, R. S. Curry, S. A. Duke, D. S. Wells, Z. H. Maness.

MEMBERS OF CONGRESS ELECT.

1*st District,*	Logan H. Roots.
2*d* "	James Hinds.
3*d* "	Thomas Boles.

The General Assembly convened, at the seat of government,—in accordance with the provisions of the Constitution and the foregoing notice of the Board of Commissioners of Election, declaring the Constitution to be ratified and the State Government thereunder to be in full force and effect,—on the 2d day of April, 1868; and the two Houses proceeded, respectively, to effect an organization, by the choice of the following-named presiding officers:

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* Deceased, before assembling of Legislature.

President of the Senate,
John N. Sarber.

Speaker of the House of Representatives,
John G. Price.

The two Houses of the General Assembly thereafter proceeded, in accordance with the provisions of the Act of Congress regulating the manner of election of Senators of the United States, to choose the following

UNITED STATES SENATORS ELECT.

BENJAMIN F. RICE,
ALEXANDER McDONALD.

[The proceedings of the General Assembly in the ratification of the proposed Fourteenth Amendment to the Constitution of the United States, will be found in Appendix P.]

P.

PROCEEDINGS

OF THE

GENERAL ASSEMBLY OF THE STATE OF ARKANSAS,

UPON THE

RATIFICATION OF THE FOURTEENTH ARTICLE OF AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

HALL OF REPRESENTATIVES,
LITTLE ROCK, ARKANSAS, April 3, 1868.

PROCEEDINGS OF FRIDAY, APRIL 3, 1868.

IN accordance with notice given on the previous day, Mr. BENJAMIN introduced the following joint resolution, which was read:

JOINT RESOLUTION RATIFYING AN ACT OF CONGRESS, APPROVED JUNE 16, 1866, AND PROPOSED TO THE LEGISLATURES OF THE SEVERAL STATES FOR RATIFICATION AS AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

Be it resolved by the Senate and House of Representatives of the State of Arkansas in Legislature assembled, that—

Whereas, The Congress of the United States has submitted to the several States, for their action thereon, by an act approved June the sixteenth, (16,) one thousand eight hundred and sixty-six, (1866,) the following Article Fourteenth, (14th,) as an amendment to the Constitution of the United States, namely:

[1.]

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a senator or representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. That Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

THEREFORE, *Be it resolved by the General Assembly of the State of Arkansas*: That the foregoing recited Article Fourteen (14) be, and the same is hereby, fully approved and ratified as a portion of the Constitution of the United States.

On motion of Mr. SIMS, the rules were suspended by a two-third vote, and the Joint Resolution was placed upon its second reading; after which it was engrossed and read a third time, and put upon its final passage by calling the yeas and nays.

In the affirmative were:

Messrs. Ayers, Bard, Benjamin, Belden, Brashear, Britton, Bush, Butler, Catterson, Chrisman, Clem, Coolidge, Cary, Davis, Dial, Divelbliss, Exon, Fenno, French, Furgeson, Gibson, Gray of Phillips, Grey of Jefferson, Gunther, Hall, Hodges of Crittenden, Hodges of Searcy, Hopper, Hufstedler, Kyle, Lee, May, Miller, Mitchell, Morrow, McCullough, Newell, Olive, Oliver, Owen, Pears, Reed, Rush, Samuels, Sims, Smith, St. John, Tobias, Upham, White, Whitson, Williams of Marion, Williams of Jefferson, Yoes, Vaughn, Mr. Speaker—Yeas 56; Nays none.

Mr. HODGES, of Crittenden, moved to reconsider, and that the motion lie on the table: which was carried.

UNITED STATES OF AMERICA, STATE OF ARKANSAS:

I hereby certify the foregoing and above to be a true, full, and complete abstract of the proceedings had in the matter of adopting the XIVth Article of the National Constitution, as proposed for ratification to the several States, as appears from the Journal of the House of Representatives.

F. E. WRIGHT,
Clerk of the House.

SENATE CHAMBER,
LITTLE ROCK, ARKANSAS, April 3, 1868.

Upon the re-assembling of the Senate, the following message from the House of Representatives was received:

TO THE HON. PRESIDENT OF THE SENATE:

Mr. PRESIDENT: I am instructed to inform the Senate that the Joint Resolution ratifying the amendment to the Constitution of the United States, known as the XIVth Article, has been adopted by the House of Representatives.

F. E. WRIGHT,
Clerk of House.

On motion of Mr. SNYDER, of Jefferson, the said Joint Resolution ratifying the Amendment to the Constitution of the United States, known as the XIVth Article, was introduced and read, as follows:

Whereas, The Congress of the United States, &c., (here follows the Resolution offered in the House.)

Mr. MALLORY moved to suspend the rules, in order that the Joint Resolution may be read the second and third time, and placed upon its final passage.

The roll being called, the following Senators voted in the affirmative:

Messrs. Belden, Baker, Hadley, Mallory, Martin, McCown, Scott, Snyder, Wheeler, Young, and Mr. President—11.

Those voting in the negative were:

Messrs. Dell, Evans, Harbison, Hunt, Keeton, Mellon, Ray, Rushing, Stephenson, Thomas, Vance—11.

So the motion was lost.

On motion of Mr. STEPHENSON, the Senate adjourned until Monday, the sixth instant, at 10 o'clock, A.M.

MONDAY, *April 6th*, 1868.

The Journal of Friday being read and approved, the PRESIDENT announced the first business in order—second reading of the House Joint Resolution ratifying the XIVth Article, proposed as an amendment to the Constitution of the United States. The Joint Resolution was here read the second time.

Mr. MALLORY, of Jefferson, moved that the rules be suspended, and the Joint Resolution ratifying the constitutional amendment, known as the Fourteenth Article, be read the third time and placed upon its final passage. Motion being put, the following Senators voted in the affirmative:

Messrs. Barker, Belden, Dell, Evans, Hadley, Harbison, Hunt, Hutchinson, Keeton, Mallory, Martin, Mellon, McCown, Ray, Rushing, Scott, Snyder, Stephenson, Thomas, Vance, Wheeler, Young, Sarber—23.

All the members present voting in the affirmative, motion was unanimously sustained. Here the House Joint Resolution, ratifying the Fourteenth Article, was read the third time.

A vote being taken, the ayes and noes being called, the following Senators voted in the affirmative:

Messrs. Barker, Belden, Dell, Evans, Hadley, Harbison, Hunt, Hutchinson, Keeton, Mallory, Martin, Mellon, McCown, Ray, Rushing, Scott, Snyder, Stephenson, Thomas, Vance, Wheeler, Young, Sarber—23.

All the members present voting in the affirmative; the Resolution was unanimously adopted.

TUESDAY, *April* 7, 1838.

The roll having been called, and prayer offered by Chaplain ALEXANDER, Mr. MALLORY, of Jefferson, moved to reconsider the vote by which the Joint House Resolution, ratifying the XIVth Article to the Constitution of the United States, had been adopted by the Senate of the preceding day, and that the motion to reconsider be laid upon the table, which motion prevailed. Those voting in the affirmative were

Messrs. Barker, Belden, Dell, Evans, Hadley, Harbison, Hunt, Hutchinson, Keeton, Mallory, Martin, Mellon, McCown, Ray, Rushing, Scott, Snyder, Stephenson, Thomas, Vance, Wheeler, Young, and Mr. President—23; the vote being unanimous.

UNITED STATES OF AMERICA, STATE OF ARKANSAS:

We hereby certify the above to be a true, full, and complete abstract of the proceedings of the Senate of Arkansas, in the matter of the adopting the Joint Resolution ratifying the XIVth Article of the Constitution of the United States, as appears from the Journal of its proceedings.

J. W. CARHART,
Secretary of the Senate.

JOHN N. SARBER,
President pro tempore.

LITTLE ROCK, ARKANSAS, April 7, A.D. 1868.

Q.

40TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. No. 278.

ELECTION IN ARKANSAS.

LETTER FROM THE GENERAL OF THE ARMY,

IN ANSWER TO A RESOLUTION OF THE HOUSE OF THE 2D INSTANT, TRANSMITTING MAJOR GENERAL A. C. GILLEM'S REPORT OF THE RECENT ELECTION IN ARKANSAS, UNDER THE RECONSTRUCTION LAWS.

MAY 4, 1868.—Referred to the Committee on Reconstruction, and letter ordered to be printed.
MAY 7, 1868.—Ordered that the accompanying papers be printed.

HEADQUARTERS ARMY OF THE UNITED STATES,
WASHINGTON, May 4, 1868.

SIR: I have the honor to acknowledge the receipt of resolution of the House of Representatives of the 2d instant, directing me to communicate a statement of the number of votes cast for, and against, the State Constitution, at the recent election in Arkansas; and, in answer thereto, I respectfully submit, herewith, Brevet Major General A. C. Gillem's report of said election, and accompanying documents, which contain the information called for.

Very respectfully,
Your ob'd't serv't,
U. S. GRANT,
General.

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

[1.]

HEADQUARTERS FOURTH MILITARY DISTRICT,
(Mississippi and Arkansas,)
VICKSBURG, MISSISSIPPI, April 22, 1868.

GENERAL: I have the honor to submit the following report of the election held in the State of Arkansas, on the adoption of the Constitution framed by the Convention assembled in accordance with the acts usually known as the Military Reconstruction Laws.

When I assumed command of the Fourth Military District, January 9, 1868, in compliance with General Orders No. 104, from Headquarters of the Army, 1867, the Constitutional Convention of Arkansas was in session; and shortly after my arrival, a messenger (Hon. Asa Hodges, a member of the Convention) arrived, bearing a resolution of the Convention, requesting me to authorize the State Treasurer to advance seventy-five thousand dollars ($75,000) to defray the expenses of the Convention. The act of March 23, 1867, making it imperative that the Convention should "provide for the levy and collection of such taxes on the property, in the State, as may be necessary to carry into effect the purposes of this act," I authorized the State Treasurer to advance fifty thousand dollars ($50,000), to be replaced when the tax, levied in compliance with the above section, should be collected. In taking this action, I had two motives in view: first, to facilitate the transaction of the business for which the Convention was called together; secondly, to extend the time allowed for the collection of the tax, and thereby render it less burdensome to the people, already greatly impoverished.

In connection with this subject, attention is respectfully invited to the correspondence herewith accompanying, and marked Appendix A, Nos. 1, 2, 3, 4, 5, 6, 7; and 8, as explanatory of my action in the premises.

In order to avoid delay in holding the election on the Constitution, framed by the Convention, early in February I directed instructions to be prepared for General Smith, commanding Sub-District of Arkansas, as to the manner of conducting the election. These instructions (see Appendix B, No. 4) were forwarded, by mail, to General Smith, on the 12th of February. On the same day a telegram was received from General Smith (Appendix B, No. 5), informing me that the Constitution and Election Ordinance had been adopted by the Convention on the 11th of February, and that March the 15th had been fixed upon as the day for the beginning of the election in which it was to be submitted to the people.

Fearing that the limited time allowed would be insufficient to enable me to make the necessary arrangements for securing a thorough and impartial expression of the will of the people, General Smith was telegraphed (see Appendix B, No. 6) to know if the time could not be extended a few days. In reply, General Smith informed me (see Appendix B, No. 7) that the time for holding the election was fixed by the Constitution itself, and therefore could not be changed. Instructions were at once issued by telegraph (see Appendix B, No. 9, to which especial attention is called,) directing General Smith to use every exertion in organizing the boards of registration for revision of the registration, provided for in Section 7, of the Act of July 19, 1867, and holding the election provided for in Section 5, March 23, 1867.

For information as to the manner in which these orders were carried out, attention is invited to the letter of General Smith, of February 14, (Appendix B, No. 14), and his instructions, (Appendix B, No. 15.)

On the 14th of February, General Orders No. 7, from Headquarters Fourth Military District, providing for the submission of the Constitution to the registered voters of Arkansas, was issued, for a copy of which see Appendix B, 16. It will be seen by this order, paragraph 9, that "no Registrar, Judge, or Clerk, will be permitted to become a candidate for office at the election for which he served as Commissioner." Attention is invited to this paragraph from the fact that fraud is charged on account of some of the Commissioners of Election having been candidates for State and county offices, (see Appendix B, No. 29), the elections for which were held at separate and distinct polls, the proceedings at which were not under the control of the Registrars (see Appendix B, No. 20); and in fact, it would have been difficult to have found men, of the necessary qualifications, to act as officers of the election, and who could have taken the required oath.

Application was made to have the time allowed for the revision of the registration extended beyond the five days prescribed by law; but considering the law imperative, the registration was limited to five days (see Appendix B, No. 32.)

Complaint having been made that the troops, and Agents of the Bureau, would be used to influence voters, I ordered that while the troops should be held in readiness to enforce order or suppress violence, they should not be placed in the immediate vicinity of the polls.

On the 13th of March the election began, as provided for by the Constitution and election Ordinance. On the afternoon of the 14th inst., the following telegram was received from the General-in-chief:

WASHINGTON, D. C., March 13, 1868.

The last amendatory act passed is now law. It provides that majority of votes actually cast, determines adoption or rejection of Constitution; also, that the electors may at the same time vote for members of Congress, and all the elective officers provided for by said Constitution.

U. S. GRANT.

Major General A. C. GILLEM.

The Convention having provided for the election of State and county officers, separate from those held on the ratification of the Constitution, and by voters other than those qualified under the Reconstruction Act, the second paragraph of the above despatch could not affect the election conducted under the orders of the District Commander in Arkansas.

The election was held as ordered; but owing to the irregularities of the mail facilities, or other means of communication, the returns were not all received until to-day, April 22d, although every endeavor has been made to obtain them at an earlier day, and to that end special messengers and the telegraph have been liberally used.

The following table shows the vote as received from the Registrars:

[1.] CONSOLIDATED REPORT OF ELECTION HELD IN THE STATE OF ARKANSAS, COMMENCING MARCH 13, 1868, UPON THE RATIFICATION OF THE CONSTITUTION.

COUNTY.	FOR Constitution.	AGAINST Constitution.	Total Vote.	Total Number of Registered Voters.	REMARKS.
ARKANSAS,	1233	169	1402	1826	
ASHLEY,	414	626	1040	1418	
BRADLEY,	256	546	802	1274	
BENTON,	97	875	972	1179	
CALHOUN,	84	364	448	637	
CHICOT,	714	193	907	1857	
CARROLL,	195	501	696	905	
CLARK,	462	753	1215	1675	
COLUMBIA,	591	977	1568	2200	
CRITTENDEN,	496	123	619	963	
CRAIGHEAD,	182	226	408	620	
CROSS,	119	230	349	641	
CONWAY,	370	486	856	1257	
CRAWFORD,	383	518	901	1146	
DALLAS,	247	545	792	1101	
DESHA,	139	95	234	881	
DREW,	516	715	1231	1784	
FRANKLIN,	330	510	840	1045	
FULTON,	115	78	193	250	
GREEN,	10	597	607	946	
HEMPSTEAD,	1120	1145	2265	2897	
HOT SPRING,	214	474	688	920	
INDEPENDENCE,	517	620	1137	1665	
IZARD,	145	409	554	799	
JACKSON,	238	531	769	1284	No election held, in one precinct.
JOHNSON,	355	397	752	959	
JEFFERSON,	3259	438	3697	3839	No returns from precincts; consolidated return from County; 730 persons were allowed to vote who were registered in other counties and precincts.
LAWRENCE,	114	445	559	1013	No election held, in four precincts.
LITTLE RIVER,	246	126	372	789	
LAFAYETTE,	466	423	889	1683	
MADISON,	342	144	486	725	
MARION,	65	264	329	519	
MISSISSIPPI,	94	133	227	510	
MONTGOMERY,	168	130	298	537	
MONROE,	498	359	857	1258	
NEWTON,	263	52	315	456	
OUACHITA,	577	1057	1634	2305	
POLK,	172	70	242	422	
POPE,	394	404	798	1000	
PRAIRIE,	358	944	1302	1835	
PULASKI,	4919	997	5916	4721	Vote exceeds registration by 1195.
PHILLIPS,	2157	845	3002	4040	
PERRY,	96	137	233	378	
PIKE,	262	150	412	592	
POINSETT,	74	97	171	232	No election held, in one precinct.
RANDOLPH,	114	503	617	985	
SALINE,	82	594	676	837	
SEBASTIAN,	454	440	894	1374	
SCOTT,	305	164	469	572	
SEARCY,	307	92	399	577	
SEVIER,	305	401	706	917	
ST. FRANCIS,	450	265	715	1013	
UNION,	487	820	1307	1846	
VAN BUREN,	54	324	378	640	
WASHINGTON,	569	1124	1693	2167	In White and Prairie Precincts, 21 persons voted who were registered in other counties and precincts; vote, viz: White, 8 for and 2 against; Prairie, 2 for and 9 against. Also, two returns from Prairie Precinct give different figures.
WHITE,	85	1060	1145	1527	
WOODRUFF,	191	597	788	1264	
YELL,	444	295	739	1082	
	27,913	26,597	54,510	73,784	

Majority for Constitution, 1316.

HEADQUARTERS FOURTH MILITARY DISTRICT (MISSISSIPPI AND ARKANSAS,)
Vicksburg, Mississippi, April 23, 1868.

I certify that the above is a correct return of the election held in the State of Arkansas on the ratification of the Constitution, as shown by the returns of the Registrars.

ALVAN C. GILLEM,
Brevet Maj.-Gen. U. S. A., Commanding Fourth Military Dist.

It will be perceived by the foregoing table, that there were cast for the Constitution, twenty-seven thousand nine hundred and thirteen (27,913); against the Constitution, twenty-six thousand five hundred and ninety-seven (26,597); total, fifty-four thousand five hundred and ten (54,510); majority for the Constitution, one thousand three hundred and sixteen (1,316.)

Had the election been conducted in strict compliance with General Order No. 7, and the result been indicated by the above figures, the adoption of the Constitution would have been indisputable; but an examination of the foregoing table of returns shows that in Pulaski County the total vote exceeds the total number registered by one thousand one hundred and ninety-five (1,195). This is explained by the Registrars, who admit that they permitted persons registered in other counties to vote on the presentation of their certificates of registration, and without taking their names, or the counties and precincts in which they claim to be registered; nor did the officers conducting the election in this (Pulaski) County, comply with Par. III, General Order No. 7, from these Headquarters, providing for the manner of conducting the election, by "checking off the voter's name on the precinct-book serving as the poll-book." It is therefore impossible to ascertain the number or names of the registered voters in Pulaski County who availed themselves of the right of franchise, and therefore impossible to ascertain the number in excess of eleven hundred and ninety-five (1,195) who voted in that county, and who were registered in other places. It is also impossible to ascertain whether or not these persons had voted where registered.

The same irregularities occurred in Jefferson County, where seven hundred and thirty (730) votes were cast by voters claiming to be registered in other counties or precincts.

Of these votes, eleven hundred and ninety-five (1,195) in Pulaski, and seven hundred and thirty (730) in Jefferson—making a total of one thousand nine hundred and twenty-five (1,925)—there is no means of ascertaining whether they were cast for or against the Constitution.

Prior to the Act of Congress passed March 11, 1868, and which was promulgated in General Order No. 14, from the War Department, dated March 14, 1868, there was no law or order in existence permitting voters registered in one county or precinct, to vote in any other county or precinct. The Act above referred to authorizes "any person duly registered in the State to vote in the election district where he offers to vote, when he has resided therein for ten days next preceding such election, upon his presentation of his certificate of registration, his affidavit, or other satisfactory evidence, under such regulations as the district commander may prescribe."

The order containing this law was not received until *after* the election; and the despatch from the General-in-chief containing no intimation of this provision, I was unaware of the existence of the law, and therefore prescribed no regulations for persons voting at other precincts than those in which they registered.

It appears from the report of Col. J. E. Tourtelotte (see Appendix C, No. 1, to which special attention is invited) that the Registrars in Pulaski, Jefferson, and Washington Counties, learning unofficially of this law, determined, on their own responsibility, to receive the votes of persons registered in other counties.

Colonel Tourtelotte was ordered to Little Rock for the purpose of investigating the frauds alleged by those opposed to the Constitution, and was informed, by the parties preferring the charges, that at least six weeks would elapse before they could be ready to proceed with the investigation, and that months would be required to complete them. Such delay was not deemed expedient. All the evidence bearing on the subject, is transmitted herewith.

As there was no separate record kept of the 1925 votes cast in Pulaski and Jefferson Counties, by persons not registered in those Counties, there are no means of ascertaining whether or not they were cast for or against the Constitution; and, therefore, if the reception of these votes, by the Registrars, under a law, of the existence of which they had no legal notification, is held not to invalidate the election in the two Counties above-named, the Constitution appears to have been adopted by a majority of 1316.

Each party charges the other with frauds. Those opposed to the Constitution asserting that a large number of the votes cast in Pulaski, Jefferson, and Washington Counties, were by unauthorized persons, and, in some instances, that the same persons were permitted to vote several times. Those in favor of the Constitution charge that force and intimidation was used to prevent legal voters from attending the polls; and that, in one instance,—that of Union County,—armed parties were stationed on the roads for that purpose. For evidence on the subject of frauds, attention is invited to Appendix C, herewith transmitted.

In a question of such importance, and one purely civil, in which the action to be taken by the District Commander is not prescribed by Section 5 of the Act of March 23, 1867, I have determined to forward the entire record for the action of the proper authority.

I am, General,
Very respectfully,
Your ob'd't serv't,
ALVAN C. GILLEM,
Brevet Maj. Gen. U. S. A.,
Commanding Fourth Military District.

General U. S. GRANT,
Commanding Armies of the United States.

[The papers appended to this Report, consisting of an undigested mass of letters, telegrams, etc., extending to great length, and conflicting in their nature, it has not been thought necessary to publish any of them, except the General Orders issued, which appear in their proper place. The contents of these papers are sufficiently referred to in the body of the Report.]

R.

NOTE.

ACTION OF CONGRESS,

RESPECTING ADMISSION OF THE STATE TO REPRESENTATION, AND INAUGURATION OF STATE GOVERNMENT.

The following Act of Congress, admitting the State of Arkansas to representation in Congress, as one of the States of the Union, on fundamental condition expressed, was passed June 8th, and received by the President of the United States, June 9th, 1868. At the date when this sheet goes to press, the bill remains in the hands of the President. Should the final action of the President, or of Congress, on the bill, take place before the completion of this volume, it will be stated in an addendum to this Appendix.

AN ACT

To admit the State of Arkansas to representation in Congress.

Whereas, The people of Arkansas, in pursuance of the provisions of an act entitled "An Act for the more efficient government of the Rebel States," passed March second, eighteen hundred and sixty-seven, and the acts supplementary thereto, have framed and adopted a Constitution of State government, which is republican, and the Legislature of said State has duly ratified the amendment to the Constitution of the United States proposed by the Thirty-ninth Congress, and known as Article Fourteen: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the State of Arkansas is entitled and admitted to representation in Congress, as one of the States of the Union, upon the following fundamental condition: That the Constitution of Arkansas shall never be so amended or changed as to deprive any citizen, or class of citizens, of the United States, of the right to vote, who are entitled to vote by the Constitution herein recognized, except as a punishment for such crimes as are now felonies at common law, whereof they shall have been duly convicted, under laws equally applicable to all the inhabitants of said State: *Provided*, That any alteration of said Constitution, prospective in its effect, may be made in regard to the time and place of residence of voters.

SCHUYLER COLFAX,
Speaker of the House of Representatives.

B. F. WADE,
President of the Senate, pro tempore.

At the date when this sheet goes to press, a bill has been introduced into the House of Representatives of the United States, prescribing the manner in which State governments may be inaugurated in such States, lately in rebellion, as may by Congress be declared entitled and admitted to representation as States of the Union. Should final action be taken by Congress, upon the bill, before the completion of the volume, it will be given in an addendum to this Appendix.

ERRATA.

On p. 60, line 16, for "So the Convention refused to refer the resolution," read, "So the resolution was referred."

On p. 198, line 5, for "[Mr. BROOKS]," read, "[Mr. CYPERT.]"

On p. 538, line 14, for "Was not agreed to," read, "Was agreed to."

ADDENDA.

[The binding of the volume has been so delayed as to enable the Editor here to complete the documentary history of the recognition, by Congress, of the State Government under the new Constitution, and its admission to representation in the National Legislature.]

MESSAGE OF THE PRESIDENT OF THE UNITED STATES,

RETURNING BILL (H. R. NO. 1039) "TO ADMIT THE STATE OF ARKANSAS TO REPRESENTATION IN CONGRESS," WITH HIS OBJECTIONS THERETO.

June 20, 1868.—Read, and ordered to be printed.

To the House of Representatives:

I return, without my signature, a bill entitled "An act to admit the State of Arkansas to representation in Congress."

The approval of this bill would be an admission, on the part of the Executive, that the "Act for the more efficient government of the rebel States," passed March 2, 1867, and the acts supplementary thereto, were proper and constitutional. My opinion, however, in reference to those measures, has undergone no change, but, on the contrary, has been strengthened by the results which have attended their execution. Even were this not the case, I could not consent to a bill which is based upon the assumption either that, by an act of rebellion of a portion of its people, the State of Arkansas seceded from the Union, or that Congress may, at its pleasure, expel or exclude a State from the Union, or interrupt its relations with the government, by arbitrarily depriving it of representation in the Senate and House of Representatives. If Arkansas is a State not in the Union, this bill does not admit it as a State into the Union. If, on the other hand, Arkansas is a State in the Union, no legislation is necessary to declare it entitled "to representation in Congress as one of the States of the Union." The Constitution already declares that "each State shall have at least one representative;" that the Senate "shall be composed of two Senators from each State;" and "that no State, without its consent, shall be deprived of its equal suffrage in the Senate." That instrument also makes each house "the judge of the elections, returns, and qualifications of its own members;" and therefore all that is now necessary to restore Arkansas in all its constitutional relations to the government, is a decision by each house upon the eligibility of those who, presenting their credentials, claim seats in the respective houses of Congress. This is the plain and simple plan of the Constitution; and believing that had it been pursued when Congress assembled in the month of December, 1865, the restoration of the States would long since have been completed, I once again earnestly recommend that it be adopted by each house, in preference to legislation which I respectfully submit is not only of at least doubtful constitutionality, and therefore unwise and dangerous as a precedent, but is unnecessary, not so effective in its operation as the mode prescribed by the Constitution, involves additional delay, and from its terms may be taken rather as applicable to a Territory about to be admitted as one of the United States, than to a State which has occupied a place in the Union for upwards of a quarter of a century.

The bill declares the State of Arkansas "entitled and admitted to representation in Congress as one of the States of the Union, upon the following fundamental condition:

> "That the constitution of Arkansas shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote who are entitled to vote by the constitution herein recognized, except as a punishment for such crimes as are now felonies at common law, whereof they shall have been duly convicted under laws equally applicable to all the inhabitants of said State: *Provided*, That any alteration of said constitution, prospective in its effect, may be made in regard to the time and place of residence of voters."

I have been unable to find in the Constitution of the United States any warrant for the exercise of the authority thus claimed by Congress. In assuming the power to impose a "fundamental condition" upon a State which has been duly "admitted into the Union upon an equal footing with the original States in all respects whatever," Congress asserts a right to enter a State as it may a Territory, and to regulate the highest prerogative of a free people—the elective franchise. This question is reserved by the Constitution to the States themselves, and to concede to Congress the power to regulate this subject would be to reverse the fundamental principle of the republic, and to place in the hands of the Federal government, which is the creature of the States, the sovereignty which justly belongs to the States or the people, the true source of all political power, by whom our federal system was created, and to whose will it is subordinate.

The bill fails to provide in what manner the State of Arkansas is to signify its acceptance of the "fundamental condition" which Congress endeavors to make unalterable and irrevocable. Nor does it prescribe the penalty to be imposed should the people of the State amend or change the particular portions of the constitution which it is one of the purposes of the bill to perpetuate, but as to the consequences of such action leaves them in uncertainty and doubt. When the circumstances under which this constitution has been brought to the attention of Congress are considered, it is not unreasonable to suppose that efforts will be made to modify its provisions, and especially those in respect to which this measure prohibits any alteration. It is seriously questioned whether the constitution has been ratified by a majority of the persons who, under the Act of March 2, 1867, and the acts supplementary thereto, were entitled to registration and to vote upon that issue. Section ten of the schedule provides that "no person disqualified from voting or registering under this constitution shall vote for candidates for any office, nor shall be permitted to vote for the ratification or rejection of the constitution at the polls herein authorized." Assumed to be in force before its adoption, in disregard of the law of Congress, the constitution undertakes to impose upon the elector other and further conditions. The fifth section of the eighth article provides that "all persons, before registering or voting," must take and subscribe an oath, which, among others, contains the following clause: "That I accept the civil and political equality of all men, and agree not to attempt to deprive any person or persons on account of race, color, or previous condition, of any political or civil right, privilege, or immunity enjoyed by any other class of men." It is well known that a very large portion of the electors in all the States, if not a large majority of all of them, do not believe in or accept the political equality of Indians, Mongolians, or negroes, with the race to which they belong. If the voters in many of the States of the North and West were required to take such an oath as a test of their qualification, there is reason to believe that a majority of them would remain from the polls rather than comply with its degrading conditions. How far and to what extent this test oath prevented the registration of those who were qualified under the laws of Congress, it is not possible to know; but that such was its effect, at least sufficient to overcome the small and doubtful majority in favor of this constitution, there can be no reasonable doubt. Should the people of Arkansas, therefore, desiring to regulate the elective franchise so as to make it conform to the constitutions of a large proportion of the States of the North and West, modify the provisions referred to in the "fundamental condition," what is to be the consequence? Is it intended that a denial of representation shall follow? And if so, may we not dread, at some future day, a recurrence of the troubles which have so long agitated the country? Would it not be the part of wisdom to take for our guide the federal Constitution, rather than resort to measures which, looking only to the present, may in a few years renew, in an aggravated form, the strife and bitterness caused by legislation which has proved to be so ill-timed and unfortunate?

ANDREW JOHNSON.

WASHINGTON, D. C., *June* 20, 1868.

[To this Message was appended the Act of Congress of June 8th, 1868, as printed on page 810, declaring the State entitled and admitted to representation; together with the certificate of the Clerk of the House of Representatives, that the Act originated in that House. The action of the two Houses of Congress, upon the veto of the President, will appear from the official copy of the Act, subjoined.]

AN ACT

TO ADMIT THE STATE OF ARKANSAS TO REPRESENTATION IN CONGRESS.

Whereas, The people of Arkansas, in pursuance of the provisions of an act entitled "An Act for the more efficient government of the Rebel States," passed March second, eighteen hundred and sixty-seven, and the acts supplementary thereto, have framed and adopted a Constitution of State Government, which is republican, and the Legislature of said State has duly ratified the amendment to the Constitution of the United States proposed by the Thirty-ninth Congress, and known as Article Fourteen: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the State of Arkansas is entitled and admitted to representation in Congress, as one of the States of the Union, upon the following fundamental condition: That the Constitution of Arkansas shall never be so amended or changed as to deprive any citizen, or class of citizens, of the United States, of the right to vote, who are entitled to vote by the Constitution herein recognized, except as a punishment for such crimes as are now felonies at common law, whereof they shall have been duly convicted, under laws equally applicable to all the inhabitants of said State: *Provided,* that any alteration of said Constitution, prospective in its effect, may be made in regard to the time and place of residence of voters.

IN THE HOUSE OF REPRESENTATIVES,
June 20, 1868.

The President of the United States having returned to the House of Representatives, in which it originated, the bill entitled "An Act to admit the State of Arkansas to representation in Congress," with his objections thereto, the House of Representatives proceeded, in pursuance of the Constitution, to reconsider the same, and

Resolved, That the said bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest: Edward McPherson,
Clerk H. R. U. S.

In Senate of the United States,
June 22, 1868.

The Senate having proceeded, in pursuance of the Constitution, to reconsider the bill entitled "An Act to admit the State of Arkansas to representation in Congress," returned to the House of Representatives by the President of the United States with his objections, and sent by the House of Representatives to the Senate with the message of the President returning the bill.

Resolved, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

Attest:

Geo. C. Gorham,
Secretary of the Senate.

ORDINANCES,

PUBLIC RESOLUTIONS, AND ORDERS,

AND

Memorials addressed to Congress:

ARKANSAS CONSTITUTIONAL CONVENTION.

1868.

ORDINANCES,

PUBLIC RESOLUTIONS, & ORDERS,

PASSED,

AND

MEMORIALS

ADDRESSED TO THE CONGRESS OF THE UNITED STATES,

BY THE

CONSTITUTIONAL CONVENTION

OF THE

STATE OF ARKANSAS,

Which assembled at Little Rock, Jan. 7, 1868.

WITH MARGINAL NOTES, AND AN INDEX.

By Authority.

LITTLE ROCK:
JOHN G. PRICE,
PRINTER TO THE CONVENTION.
1868.

I, John G. Price, Secretary of the Constitutional Convention of the State of Arkansas, do hereby certify that the annexed are correct copies of the Ordinances, Public Resolutions, and Orders, passed, and Memorials adopted for presentation to the Congress of the United States, by the said Convention, at the session thereof beginning on the seventh day of January and ending on the fourteenth day of February, in the year of our Lord one thousand eight hundred and sixty-eight.

In Witness whereof, *I hereunto set my name as Secretary of the Convention, on this twenty-eighth day of May, eighteen hundred and sixty-eight.*

JOHN G. PRICE,
Secretary of the Convention.

J. M. Pomeroy, Compiler and Editor.

LIST
OF THE
ORDINANCES,
PUBLIC RESOLUTIONS, ORDERS,
AND
MEMORIALS TO CONGRESS,
OF THE
ARKANSAS CONSTITUTIONAL CONVENTION OF 1868.

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ORDINANCES

Passed by the Convention which assembled at Little Rock, on the seventh day of January, A.D. 1868, *under the provisions of the Act of Congress of March* 2d, 1867, *and the Acts supplementary thereto, to form a Constitution for the State of Arkansas, and adjourned (subject, within one year, to the call of the President, or, in case of his absence or disability, of either of the Vice-Presidents, thereof) on the* 14*th day of February, A.D.* 1868.

THOMAS M. BOWEN, President of the Convention.

No. 1.

An Ordinance

Providing and making appropriations for the per diem and mileage of members of the Constitutional Convention of the State of Arkansas, and other necessary expenses.

Jan. 18, 1868.

Be it ordained by the people of Arkansas, in Convention assembled: That there is hereby appropriated out of the Treasury, the sum of seventy-five thousand dollars, for the purpose of paying the per diem and mileage of delegates, and such other expenses as may necessarily be incurred under the provisions of an Act entitled an "Act to provide for the more efficient Government of the Rebel States," passed March 2d, 1867: that it is hereby made the duty of the Auditor of the State, upon the certificate of the Secretary of the Convention, countersigned by the President, to draw a warrant on the Treas-

Appropriation for compensation of delegates,

And other expenses of reconstruction.

Auditor, on certificate of Sec. and Pres't of Convention, to draw warrants.

urer for and in favor of such person or persons, as they may certify to be due, for per diem, mileage, or other necessary expenses; and it is hereby made the duty of the Treasurer of the State, upon the presentation of such warrant, to pay the same out of any money now in the Treasury, not otherwise appropriated by law.

Treasurer thereupon to make payment.

PASSED January 18th, 1868.

No. 2.

An Ordinance

Jan. 20, 1868.

Declaring a public printer.

Be it ordained by the people of Arkansas in Convention assembled: That John G. Price is hereby declared Public Printer of this Convention, and also for the State of Arkansas; and that all printing of laws, journals, and other proceedings and legal advertisements, which is by law made the duty of the State printer, shall be transferred to him; and that he shall receive therefor the rates now prescribed by law. And it is hereby made the duty of the Secretary of this Convention to notify all State and county officials of the passage of this Ordinance, which shall take effect from and after its passage.

John G. Price declared Public Printer to Convention and State.

Rates of compensation.

Sec. of Convention to notify State and Co. officials of passage of this Ordinance.

When to take effect.

PASSED January 20th, 1868.

No. 3.

An Ordinance

Raising revenue for the purpose of defraying expenses of Constitutional Convention.

Jan. 24, 1868.

Be it ordained by the people of the State of Arkansas, in Convention assembled: That there is hereby levied upon the taxable property of said State, one-fourth of one per cent., for the purpose of defraying the expenses incurred under the provisions of an Act of Congress entitled "An Act to provide for the more efficient government of the Rebel States," passed March second, eighteen hundred and sixty-seven, and Acts of Congress supplemental and amendatory thereto. And that the officers now provided by law for the collection of taxes, shall collect and pay the same into the Treasury of the State, on or before the first day of June, eighteen hundred and sixty-nine.

Levy of tax of ¼ per cent., To defray expenses of reconstruction.

Tax to be collected and paid in by June 1, 1869.

And be it further ordained: That the Auditor of said State is hereby directed to issue his warrant upon the Treasurer of said State, for such amounts as the President and Secretary of the Convention may certify to be due to any person or persons, for expenses or services incurred under the provisions of the aforesaid Act. Upon the receipt of the warrant aforesaid, the Treasurer will issue his certificate, payable out of any funds, arising from taxation, that may come into the Treasury after the passage of this Ordinance.

Auditor, on certificate of Pres't and Sec. of Convention, to issue warrant for expenses of reconstruction.

Treasurer thereupon to issue certificate: From what funds payable.

All collectors of taxes shall receive the warrants of the Treasurer of said State, issued as aforesaid, in payment of the tax levied by the Ordinance, or for any taxes due to said State.

Treasurer's warrants, so issued, receivable for State taxes.

That the amount to be levied by the provisions of this Ordinance shall be placed upon the Tax-Books for the year eighteen hundred and sixty-eight, by the officers now designated by law. And it is hereby made the duty of the Auditor of State to make the apportionment among the different counties of the State, in proportion to the valuation of taxable property in said counties.

Amt. levied, to be placed on Tax Books for 1868.

Auditor to apportion tax.

PASSED January 24th, 1868.

No. 4.

An Ordinance

Jan. 25, 1868.

Providing for the per diem and mileage of the members, and the per diem of the officers, of the Constitutional Convention of the State of Arkansas.

Compensation of members of Convention, for attendance, And time consumed in travel.

Be it ordained by the people of the State of Arkansas, in Constitutional Convention assembled: First, That the compensation of the members of this Convention shall be eight dollars per diem during the actual sitting of the Convention, and the same amount per diem for each day's travel in coming to and returning from the said Convention, estimating thirty miles to be a day's travel, and computing the same by the nearest and most practicable route furnishing public transportation. Also, mileage each way, at the rate of twenty cents per mile, by the same route:

Mileage.

Compensation and mileage of Chaplain.

Second, The compensation of the Chaplain shall be eight dollars per diem, with the same mileage as allowed to members:

Compensation of officers of Convention.

Third, The compensation of the Secretary shall be twelve dollars per diem; that of the Assistant Secretaries,* Sergeant-at-Arms, Assistant Sergeant-at-Arms, Doorkeeper, Assistant Doorkeepers, and Postmaster, eight dollars per diem; and that of the Pages, three dollars per diem:

Compensation and mileage of Pres't of Convention.

Fourth, The compensation of the President shall be double that received by the members, with the same mileage as allowed to them.

PASSED January 25th, 1868.

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* See Public Resolution No. 14.

No. 5.

An Ordinance

To provide for an election by the voters registered in this State, under an Act of Congress entitled "An Act to provide for the more efficient government of the Rebel States," passed March 2d, 1867, and the Acts supplementary thereto.

Feb. 11, 1868.

SECTION ONE. *Be it ordained*, That any voter registered under the provisions of an act of Congress entitled an "Act to provide for the more efficient government of the rebel States," passed March 2nd, 1867, and the supplementary acts thereto, shall be permitted to vote in any county in this State, where he may be at the time of the election, upon the ratification of the Constitution framed by this Convention.

Registered voter may vote upon ratification, in any county where he may be at time of the election.

SECTION TWO. That in voting for or against the ratification of this Constitution, the words "For Constitution," or "Against Constitution" shall be written or printed on each ballot; but no person shall vote, at the polls provided for by this ordinance, for any State or county officer prescribed in said Constitution.

Style of ballot.

No vote for officers to be polled at election in this Ordinance provided for.

SECTION THREE. Said election shall be held at such times and places as may be designated by the Board of Commissioners appointed under the provisions of the schedule to the Constitution submitted by this Convention to the people.

Times and places of the election to be designated by Board of Commissioners.

SECTION FOUR. The secrecy of the ballot shall be preserved inviolate. No Judge, inspector, or other election officer, shall mark or deface or furnish to be marked or defaced, any ballot cast at the poll at which he is acting, whereby, may be ascertained the manner any elector voted.

Secrecy of the ballot to be inviolate.

APPENDED TO THE CONSTITUTION.

PASSED February 11th, 1868.

No. 6.

Ordinance.

Feb. 11, 1868.

Little River Co. attached to 6th Judicial Circuit.

Be it ordained by the Constitutional Convention of the State of Arkansas: 1st. That Little River County be, and the same is hereby, attached to the Sixth Judicial Circuit of this State.

Rocky Comfort declared County-seat.

Ordinance to remain in force until otherwise directed by Gen. Assembly.

2d. That Rocky Comfort be, and the same is hereby, declared the County-seat of said County. This Ordinance to remain in, and have, full force and effect, until otherwise directed by the General Assembly of this State.

PASSED February 11th, 1868.

No. 7.

Ordinance.

Feb. 11, 1868.

Notice of time of submission of Constitution to the people, in accordance with Act of Congress.

Publication.

Be it ordained and established: That the notice of the time of submitting the Constitution for Arkansas, framed and adopted by this Convention, for ratification, as required by the Act of Congress entitled "An Act for the more efficient government of the Rebel States," be given by the President of this Convention, countersigned by the Secretary; and that copies thereof be furnished to all the newspapers in the State; and that the same be published in all of the said newspapers, as soon as practicable after the issue thereof.

PASSED February 11th, 1868.

No. 8.

An Ordinance

To defray the expenses incurred under provisions of the Schedule to the Constitution, adopted by the Convention February 11th, A.D., 1868.

Feb. 14, 1868.

Sᴇᴄᴛɪᴏɴ Oɴᴇ. *Be it ordained:* That all accounts of the Board of Commissioners, and expenses in carrying out the provisions of said Schedule, appointed under provisions of the Schedule to the Constitution, adopted by this Convention February 11th, 1868, shall be certified to by the President and signed by the Secretary of this Convention.

Accts. of Commissioners, and expenses under Schedule, how certified.

Sᴇᴄᴛɪᴏɴ Tᴡᴏ. When said accounts, for said expenses, are presented to the Auditor of State, he shall issue his warrant on the Treasurer of State, who shall pay the same out of the appropriation for paying the expenses of this Convention.

Auditor to issue warrant on Treasurer.

Treasurer to pay from appropriation for expenses of Convention.

Sᴇᴄᴛɪᴏɴ Tʜʀᴇᴇ. Said Auditor's warrants shall be receivable by all Sheriffs, or other tax-collectors, or Treasurer of the State, for all State taxes, now due or which may hereafter become due.

Auditor's warrants, so issued, receivable for State taxes.

Sᴇᴄᴛɪᴏɴ Fᴏᴜʀ. In case said Auditor of State refuses or declines to audit said accounts or expenses, the said Board of Commissioners shall issue their warrants, approved by the President and signed by the Secretary of this Convention, for the same. Said warrants, of said Commissioners, shall, in like manner as provided in Section Three thereof, be receivable for all State taxes now due, or that may hereafter become due.

Case of refusal of Auditor to audit the accts.

Warrants of Commissioners, in that case issued, receivable for State taxes.

Pᴀssᴇᴅ February 14th, 1868.

PUBLIC RESOLUTIONS, AND ORDERS,

PASSED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF ARKANSAS, 1868.

[No. 1.]

Jan. 9, 1868.

A Resolution recommending the removal of the tax on raw cotton.

Hardship of tax on raw cotton.

Resolved: That it is the opinion of the members of this Convention, that the tax on raw cotton should be removed; that it bears heavily on the laboring classes of this State; at a time, too, when, from the almost complete failure of the crops, the very means of livelihood of the people would seem to be almost exhausted; and its continuance can only have the effect of practically prohibiting the culture of the staple during the present and succeeding years.

Culture of cotton practically prohibited thereby.

Copy of resolution to be forwarded to Senate U. S.

Resolved: That the Secretary be directed to forward a copy of this resolution to the Senate of the United States.

ADOPTED January 9th, 1868.

[No. 2.]

Jan. 17, 1868.

A Resolution appointing Commissioners to investigate the affairs of the Little Rock and Fort Smith Railroad.

Appointment of Commissioners to investigate affairs of L. R. & F. S. R. R.

Resolved: That Thomas M. Bowen, W. C. Adams, and G. W. Smith, be, and are hereby, appointed Commissioners to investigate the affairs of the Little Rock and Fort Smith Railroad, with power to send for persons and papers, compel

Their powers.

the attendance of witnesses, &c., and report to the next Legislature of Arkansas.

To report to Legislature.

Provided, That no expense shall be incurred by the State, by reason of the attendance of witnesses, or otherwise.

Proviso, respecting expense to State.

ADOPTED January 17th, 1868.

[No. 3.]

A Resolution in relation to the final adjournment of the session of the Convention.

Jan. 30, 1868.

Resolved: That when the Convention finally adjourns it shall be at the call of the President, whose duty it shall be to convoke the Convention, in case the Constitution should not be ratified, for the purpose of taking such steps as may be necessary, for the formation of civil government for the State of Arkansas. He shall also, in that case, call upon the proper officer of the State to cause elections to be held to fill any vacancies that may exist in the Convention.

Convention to adjourn subject to call of President, Who shall reconvoke it in case of rejection of Constitution.

Elections to fill vacancies in Convention.

ADOPTED January 30th, 1868.

[No. 4.]

A Resolution petitioning Congress for continuance of the Freedmen's Bureau.

Feb. 1, 1868.

Resolved: That Congress is hereby petitioned to continue the Freedmen's Bureau until reconstruction is accomplished.

Congress petitioned to continue Freedmen's Bureau.

ADOPTED February 1st, 1868.

[No. 5.]

Feb. 5, 1868.

A Resolution respecting amalgamation of the white and colored races.

Amalgamation condemned.

Gen. Assembly recommended to enact laws governing the same.

Resolved: That this Convention is utterly opposed to all amalgamation between the white and colored races, whether the same is legitimate or illegitimate. We would therefore recommend that the next General Assembly enact such laws as may effectually govern the same.

Adopted February 5th, 1868.

[No. 6.]

Feb. 11, 1868.

A Resolution recommending to the General Assembly the adoption of measures to relieve Judges Harrell and Hargrove of disabilities imposed by charges of impeachment.

Preamble: Impeachment of Judges Harrell and Hargrove.

Whereas, a body of men, styling themselves the Legislature of Arkansas, assembled at the City of Little Rock, in the years A.D. 1866 and 1867, preferred charges against and attempted to impeach the Hon. Elias Harrell, Judge of the Eighth Judicial Circuit, and also A. N. Hargrove, Judge of the Ninth Judicial Circuit, of this State:

Charges declared malicious, and founded in prejudice to loyalty.

And whereas, it is believed that said charges are malicious, and founded in prejudice to loyalty:

Gen. Assembly recommended to remove disabilities imposed.

Therefore, Resolved: That it is the sense of this Convention that the next General Assembly, upon its assembling, and without delay, take measures to relieve said Harrell and Hargrove of the disabilities imposed by said charges.

Adopted February 11th, 1868.

[No. 7.]

A Resolution appointing Vice-Presidents of the Convention, and prescribing their duties, and the order of their precedence.

Feb. 11, 1868.

Vice-Presidents of Convention appointed.

Resolved: That it is the sense of this Convention that J. L. Hodges, John McClure, Joseph Brooks, O. P. Snyder, George S. Scott, and Walter W. Brashear, be made Vice-Presidents of this Convention; whose duty it shall be, in case of the President's absence, or inability to perform the duties of his office, to have all the power of, and discharge all the duties incumbent upon, the President. *Provided,* That they shall take precedence, in the discharge of those duties, in the order in which their names are here inserted.

Their powers and duties.

Proviso: Order of precedence.

ADOPTED February 11th, 1868.

[No. 8.]

A Resolution prescribing the manner of appointment of Boards to digest and arrange the laws, and to arrange a Code of Practice, as in the Constitution provided.

Feb. 11, 1868.

President of Convention to appoint the Boards to codify Statutes and arrange Code of Practice.

Resolved: That the Boards to digest and arrange the laws, and to arrange a code of practice, as provided in the Constitution, be appointed by the President of the Convention.*

ADOPTED February 11th, 1868.

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* In accordance with the provisions of this Resolution, the President of the Convention, on Feb. 12th, 1868, appointed the Boards specified, as follows: *To Revise and Re-arrange the Statute Laws of the State:* Messrs. O. P. Snyder, John McClure, and Clifford Stanley Sims. *To Prepare a Code of Practice:* Messrs. B. F. Rice, James Hinds, and J. N. Sarber.

[No. 9.]

Feb. 12, 1868.

An Order allowing, to the Stenographic Reporter of the Convention, mileage, and compensation for time consumed in travel.

Stenographic Reporter to receive compensation for time consumed in travel.

Ordered: That the Stenographic Reporter, in addition to his compensation for services in reporting the debates and proceedings of the Convention, be allowed compensation, at his usual professional rates, for the length of time actually and necessarily consumed in travelling to and from the session of the Convention, and mileage, at the rate of ten cents per mile, for each mile necessarily travelled.

Mileage.

PASSED February 12th, 1868.

[No. 10.]

Feb. 12, 1868.

A Resolution providing for the adjournment, sine die, *of the Convention.*

Convention, if not called together within one year from adjournment, to stand adjourned *sine die.*

Resolved: That in case this Convention is not called together by the President, or one of the Vice-Presidents, as contemplated in resolution upon adjournment, passed by this Convention on January 31st, A.D., 1868, within one year from the date of said adjournment, it shall stand adjourned *sine die.*

ADOPTED February 12th, 1868.

[No. 11.]

A Resolution providing for the case of resignation, death, or disqualification, of either of the Commissioners appointed to codify and arrange the laws.

Feb. 12, 1868.

Vacancies in Board of Codification of Statutes, how filled.

Resolved: That should any one or more of the Commissioners, appointed to codify and arrange the laws, resign, die, or otherwise become disqualified to act, the balance of the Commission shall have power to appoint a suitable person, or persons, to fill the Commission.

Adopted February 12th, 1868.

[No. 12.]

A Resolution providing for the printing of the Memorials and Ordinances of the Convention.

Feb. 12, 1868.

Memorials and ordinances to be printed for use of members.

Resolved: That five hundred copies of all memorials and ordinances be printed for the use of the members of this Convention.

Adopted February 12th, 1868.

[No. 13.]

An Order providing for the printing, indexing, and distribution, of the Official Journal and Debates of the Convention.

Feb. 13, 1868.

Sec. of Convention to superintend printing of Journal and Debates.

Compensation.

Ordered: That the Secretary of this Convention superintend the printing of the Official Journal and Debates of this Convention; and that for his services in copying said Journal and Debates, reading proof-sheets, and distributing the volumes, he be allowed such reasonable customary fees as the President of this Convention may award him therefor.

To employ a person to index the same.

Ordered: That the Secretary be authorized to employ a suitable person to prepare a full index to the Journal and Debates, at the usual compensation for such services.

1000 copies to be printed for distribution to counties of the State.

Ordered: That one thousand copies of the Official Journal and Debates of this Convention be printed, and distributed to the several Counties of this State in the ratio of their representation in this Convention.

Distribution of copies to members and officers of Convention, public libraries, etc.

Ordered: That the Secretary have five copies of said Official Journal and Debates neatly bound for each delegate and officer of this Convention, and shall transmit such copies to such delegates and officers, by mail, as soon as practicable; and that copies, similarly bound, shall be furnished as follows: to the Supreme Court Library, five copies; to the office of the Secretary of State, for permanent preservation and reference, twenty copies; and to each of the several public libraries in the United States, one copy each.

Passed February 13th, 1868.

[No. 14.]

Feb. 13, 1868.

A Resolution allowing extra compensation to Assistant Secretaries of the Convention.

Asst. Secretaries to be paid ten dollars per day instead of eight.

Resolved: That in consideration of the extraordinary work performed by Messrs. H. St. John and F. E. Wright, Assistant Secretaries, they be paid ten dollars per day, instead of eight.

Adopted February 13th, 1868.

MEMORIALS

Addressed to the Congress of the U. S.,

BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF ARKANSAS, 1868.

[No. 1.]

Memorial

To the Congress of the United States, respecting the Tax on Cotton.

To the Honorable the Senate and the House of Representatives of the United States: Jan. 18, 1868.

The Constitutional Convention of the State of Arkansas would respectfully represent, that the present tax on raw cotton is greatly detrimental to the present and future interest of the people of this State.

A large majority of those engaged as laborers in the culture of this, the chief staple of the State, are now destitute, and out of employment; in a great measure owing to the fact that the present high tax renders its production unprofitable. The crop just gathered, has produced an average price of twelve cents per pound. Out of this, the producer has to pay between four and five cents per pound, for freight, tax, commission, and storage; leaving a net price of from seven to eight cents per pound.

Jan. 18, 1868. Should full crops be raised every year, it might be possible to grow the cotton, pay the tax, and still leave the producer a small profit; but it must be recollected that, three years out of five, barely half a crop is made, though of course the necessary expenses are always the same.

It may be argued that the present price equals that received before the war; but we must recollect that now, the price of labor, provisions, and clothing, are nearly one hundred per cent. higher than before the war.

We can but express our firm conviction that unless the tax is removed, the culture of cotton will necessarily cease. No one will willingly enter into a business in which the tax exhausts all the margin which is left, over the cost of production. And therefore we would respectfully and urgently ask for the immediate removal of this burden.

UNANIMOUSLY ADOPTED January 18th, 1868.

[No. 2.]

A Memorial

To the Congress of the United States, for an appropriation of money for improving the Arkansas River, from its mouth to Fort Smith.

Jan. 24, 1868. *To the Honorable, the Senate and House of Representatives, in Congress assembled:*

Your memorialists, the Constitutional Convention of the State of Arkansas, respectfully represent that the Arkansas River, during the season of low water, is so obstructed by snags and sand-bars, as to render the navigation difficult and hazardous; but that by the appropriation and proper outlay of a small sum of money, the said river, between the points designated, could be rendered navigable during the entire season, and would open a thoroughfare of inland communication to a rich agricultural district, facilitate the transportation of the mails, and afford to the settlements embraced in the country tributary to the Arkansas, the speedy development of the various resources of that section of the country, abounding in lumber, agricultural, and mineral wealth, besides affording facilities for reaching the trade and exchange of the Indian country west, and affording to the Government a more speedy access to that region." Jan. 24, 1868.

Your memorialists, therefore, ask that an appropriation of one hundred thousand dollars (100,000) be made for the improvement of said river. And your memorialists will ever pray.

Adopted January 24th, 1868.

[No. 3.]

Memorial

To the Congress of the United States, asking for the amendment of the Bankrupt Laws.

To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled: Jan. 25, 1868.

The Constitutional Convention of the State of Arkansas would respectfully represent, that there are a large number of citizens of the State who are unable to avail themselves of the benefits of the "General Bankrupt Act," for the reason of the expenses attendant on obtaining the same. Your memorialists would, therefore, ask that the general Bankrupt Law be so amended as to provide, in cases where there are no assets, that the person desiring to avail himself of the benefits thereof, may go before the Clerk, or other proper officer, and, having rendered his schedule, be relieved from all debts and liabilities, without further cost or expenses.

Adopted January 25th, 1868.

[No. 4.]

Memorial

To the Congress of the United States, for the rebuilding of Levees on the Mississippi and Arkansas Rivers.

Jan. 31, 1868. *To the Honorable, the Senate and House of Representatives, in Congress assembled:*

Your memorialists, the Constitutional Convention of the State of Arkansas, respectfully represent that the Misissippi and Arkansas Rivers, during the season, inundate the lands along their course, rendering a vast extent of country almost entirely useless and valueless for purposes of agriculture, but which, otherwise, would be as productive as any lands in the world.

That by the appropriation and proper outlay of three million nine hundred thousand dollars, the levees along the Mississippi and Arkansas Rivers, in the States of Arkansas, Mississippi, and Louisiana, could be rebuilt; thus effectually preventing inundation, and rendering valuable, and susceptible of cultivation, the entire region lying along the same.

The cotton crop of 1860, grown in that portion of the alluvial region above the mouth of Red River, and where it is proposed to make the repairs, exceeded six hundred thousand bales, which, at the present average price, would produce thirty million dollars.

The sugar crop of 1860, grown in that portion of the alluvial region below the mouth of the Red River, and where it is proposed to make the repairs, amounted to two hundred and forty thousand hogsheads, with the addition of three hundred and seventeen thousand barrels of molasses, which, at present prices, would produce fifty million dollars. A tax of twenty-five cents per acre on the lands to be benefited by the proposed levees, would, it is estimated, pay the incurred expense, and the future value of the property be quadrupled.

The tax could, to render it secure, be declared a preferred lien on all property on which it might be levied. Jan. 31, 1868.

Your memorialists would further represent that thousands of laborers are now needing employment, and that their labor could be used in this work with great advantage to the country; though nothing but National co-operation could accomplish it.

Your memorialists therefore ask that an appropriation of three million nine hundred thousand dollars may be made for the rebuilding of the levees in the States of Arkansas, Mississippi, and Louisiana.

Adopted January 31st, 1868.

[No. 5.]

Memorial

To the Congress of the United States, for the public sale of the Hot Spring Reservation, in the State of Arkansas.

To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled: Feb. 6, 1868.

Your memorialists, the Constitutional Convention of the State of Arkansas, respectfully represent, that the public reservation known as the Hot Spring Reservation, comprising all that portion of the public domain situated in Sec. 28, 29, 32, 33, in Township 2, south; and 4 and 5, in Township 3, south of Range 19, west, in the State of Arkansas, is now held and occupied without color of title, by various persons, whose claims have never been acknowledged by the United States Government. That the public interest, and humanity, require that

Feb. 6, 1868.

said Springs be made available for public use; and the welfare and settlement of the State is in a great measure dependent upon it. We would, therefore, ask that the same be sold, under the direction of the Secretary of the Interior, to the highest bidder or bidders, for cash, after having been laid out into streets, blocks, and lots or parcels of ground, of such form and area as will best facilitate the construction of a town.

That the proceeds arising from the sale of the same, be invested in United States securities, and held in trust until otherwise provided by law; and that the accruing interest upon said securities be applied to the Common-School Fund for the education of all the children of the State. And your memorialists will ever pray.

Adopted February 6th, 1868.

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TO THE

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CONSTITUTION OF ARKANSAS.

THE

CONSTITUTION

OF THE

STATE OF ARKANSAS.

Framed and Adopted by the Convention which Assembled at Little
Rock, January 7th, 1868, and Ratified by the Registered
Electors of the State, at the Election begin-
ning March 13th, 1868.

By Authority.

LITTLE ROCK:
John G. Price, State Printer.
1868.

I, JOHN G. PRICE, Secretary of the Constitutional Convention of the State of Arkansas, do hereby certify that the annexed is a correct copy of the Constitution framed and adopted by the said Convention, on the eleventh day of February, in the year of our Lord one thousand eight hundred and sixty-eight.

In Witness whereof, *I hereunto set my name as Secretary of the Convention, on this twenty-eighth day of February, eighteen hundred and sixty-eight.*

JOHN G. PRICE,
Secretary of the Convention.

In preparing this edition of the Constitution of Arkansas, no liberties whatever have been taken with the text of the original, now on file in the office of the Secretary of State; the punctuation, orthography, etc., having, as is usual and proper in the publication of such instruments, been implicitly followed, so as to present a copy exact in every particular. Some clerical errors occur in the engrossed document. In a few such instances, a superfluous letter has been enclosed in brackets, an omission, or other accidental error of orthography, corrected in parenthesis, by the Editor.

CONSTITUTION

OF THE

STATE OF ARKANSAS.

Preamble.

We, the people of the State of Arkansas, grateful to God for our civil and religious liberty, and desiring to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this Constitution:

ARTICLE I.

BILL OF RIGHTS.

SECTION ONE. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it. But the paramount allegiance of every citizen is due to the Federal Government in the exercise of all its Constitutional powers as the same may have been or may be defined by the Supreme Court of the United States; and no power exists in the people of this or any other State of the Federal Union to dissolve their connection therewith, or perform any act tending to impair, subvert or resist the supreme authority of the United States.

The Constitution of the United States confers full powers on the Federal Government to maintain and perpetuate its existence, and whensoever any portion of the States or the people thereof, attempt to secede from the Federal Union, or forcibly resist the execution of its laws, the Federal Government may, by warrant of the Constitution employ armed force in compelling obedience to its authority.

Section Two. The liberty of the press shall forever remain inviolate. The free communication of thoughts and opinions is one of the invaluable rights of man, and all persons may freely speak, write and publish their sentiments on all subjects, being responsible for the abuse of such right. In all criminal prosecutions for libel, the truth may be given in evidence to the jury, and if it shall appear to the jury, that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted.

Section Three. The equality of all persons before the law is recognized and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege, or immunity, nor exempted from any burden or duty on account of race, color, or previous condition.

Section Four. The citizens have a right, in a peaceable manner, to assemble together for their common good, to instruct their representatives and to petition for the redress of grievances, and other proper purposes.

Section Five. The citizens of this State shall have the right to keep and bear arms for their common defense.

Section Six. The right of trial by jury shall remain inviolate and shall extend to all cases at law without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases, in the manner prescribed by law.

Section Seven. Excessive bail shall not be required, nor shall excessive fines be imposed; nor shall cruel or unusual punishments be inflicted; nor witnesses be unreasonably detained.

SECTION EIGHT. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the county or judicial district wherein the crime shall have been committed—which county or district shall have been previously ascertained by law—and to be informed of the nature and cause of the accusation against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel in his defense.

SECTION NINE. No person shall be held to answer a criminal offense unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases of petit larceny, assault, assault and battery, affray, vagrancy and such other minor cases as the General Assembly shall make cognizable by Justices of the Peace; or arising in the army or navy of the United States, or in the militia when in actual service in time of war or public danger; and no person after having been once acquitted by a jury, for the same offense, shall be again put in jeopardy of life or liberty; but if, in any criminal prosecution, the jury be divided in opinion, the court before which the trial shall be had may in its discretion discharge the jury and commit or bail the accused for trial at the same or the next term of said court; nor shall any person be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property, without due process of law. All persons shall, before conviction, be bailable by sufficient sureties except for capital offenses—murder and treason—when the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended unless when in cases of rebellion or invasion the public safety may require.

SECTION TEN. Every person is entitled to a certain remedy in the laws for all injuries or wrongs he may receive in his person, property or character; he ought to obtain justice freely and without purchase; completely and without denial; promptly and without delay; conformably to the laws.

SECTION ELEVEN. Treason against the State shall only consist in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two (2) witnesses to the same overt act, or on confession in open court.

SECTION TWELVE. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

SECTION THIRTEEN. No bill of attainder, *ex post facto* law, nor any law impairing the obligation of contracts, shall ever be passed; and no conviction shall work corruption of blood or forfeiture of estate.

SECTION FOURTEEN. No person shall be imprisoned for debt in this State; but this shall not prevent the General Assembly from providing for imprisonment or holding to bail persons charged with fraud in contracting said debt. A reasonable amount of property shall be exempt from seizure or sale for the payment of debts or liabilities.

SECTION FIFTEEN. Private property shall not be taken for public use without just compensation therefor.

SECTION SIXTEEN. The military shall be subordinate to the civil power. No standing army shall be kept up in this State in time of peace, and no soldier shall in time of peace be quartered in any house, without the consent of the owner, nor in time of war but in a manner prescribed by law.

SECTION SEVENTEEN. Suits may be brought by or against the State in such manner and in such courts as may be by law provided.

SECTION EIGHTEEN. The General Assembly shall not grant to any citizen or class of citizens, privil(e)ges or immunities, which upon the same terms shall not equally belong to all citizens.

SECTION NINETEEN. The right of suffrage shall be protected by laws regulating elections, and prohibiting under adequate penalties all undue influence from bribery, tumult, or other improper conduct.

SECTION TWENTY. Foreigners who are, or may become, *bona fide* residents of this State, shall be secured the same rights in respect to the acquisition, possession, enjoyment and descent of property as are secured to native-born citizens.

SECTION TWENTY-ONE. No religious test or amount of property shall ever be required as a qualification for any office of public trust under the State. No religious test or amount of property shall ever be required as a qualification of any voter at any election in this State; nor shall any person be rendered incompetent to give evidence in any court of law or equity in consequence of his opinion upon the subject of religion, and the mode of administering an oath or affirmation shall be such as shall be most consistent with, and binding upon the conscience of the person to whom such oath or affirmation may be administered.

SECTION TWENTY-TWO. Any person who shall, after the adoption of this Constitution, fight a duel or send or accept a challenge for that purpose, or be aider or abettor in fighting a duel, either within this State or elsewhere, shall thereby be deprived of the right of holding any office of honor or profit in this State, and shall be forever disqualified from voting at any election, and shall be punished otherwise in such manner as may be prescribed by law.

SECTION TWENTY-THREE. Religion, morality, and knowledge being essential to good government, the General Assembly shall pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship; and to encourage schools and the means of instruction.

SECTION TWENTY-FOUR. All lands in this State are declared to be allodial, and feudal tenures of every description, with all their incidents, are prohibited. Leases and grants of land for a longer period than twenty-one (21) years, hereafter made, in which shall be reserved any rent or service of any kind, shall be held a conveyance in fee to the lessee.

SECTION TWENTY-FIVE. The action of the Convention of the State of Arkansas, which assembled in the City of Little Rock on the fourth (4th) day of March, A.D. one thousand eight hundred and sixty one (1861), was, and is null and void. All the action of the State of Arkansas under the authority of said Convention, of its

Ordinances or its Constitution, whether legislative, executive, judicial or military, was, and is hereby declared null and void; and no debt or liability of the State of Arkansas incurred by the action of said Convention, or of the General Assembly, or any department of the government under the authority of either, shall ever be recognized as obligatory: *Provided*, That this Ordinance shall not be so construed as to affect the rights of private individuals arising under contracts between the parties, or to change county boundaries or county seats, or to make invalid the acts of Justices of the Peace, or other officers in their authority to administer oaths or take and certify the acknowledgments of deeds of conveyance, or other instruments of writing, or in the solemnization of marriage.

ARTICLE II.

Boundaries.

We do declare and establish, ratify and confirm, the following as the permanent boundaries of said State of Arkansas, that is to say: Beginning at the middle of the main channel of the Mississippi river, on the parallel of thirty-six (36) degrees north latitude; running from thence west, with the said parallel of latitude, to the Saint Francis river; thence up the middle of the main channel of said river to the parallel of thirty-six (36) degrees thirty (30) minutes north; from thence west with the boundary line of the State of Missouri to the south west corner of that State; and thence to be bounded on the west to the north bank of Red river, as by Acts of Congress and Treaties heretofore defining the western limits of the Territory of Arkansas; and to be bounded on the south side of Red river by the boundary line of the State of Texas to the north west corner of the State of Louisiana; thence east with the Louisiana State line to the middle of the main channel of the Mississippi river; thence up the middle of the main channel of said river, including an island in said river known as "Belle Point Island," to the thirty-sixth (36th) degree of north latitude—the place of beginning.

ARTICLE III.

The seat of government shall be at Little Rock, where it is now established.

ARTICLE IV.

SECTION ONE. The powers of government are divided into three (3) departments—the Legislative, the Executive, and the Judicial.

SECTION TWO. No person belonging to one department shall exercise the powers properly belonging to another, excepting in the cases expressly provided in this Constitution.

ARTICLE V.

LEGISLATIVE DEPARTMENT.

SECTION ONE. The legislative power in this State shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives.

SECTION TWO. The General Assembly shall meet every two (2) years, on the first Monday of January, at the seat of Government, until altered by law; but the first General Assembly elected after the adoption of this Constitution shall meet on the second (2nd) day of April, A.D. one thousand eight hundred and sixty eight (1868).

SECTION THREE. The House of Representatives shall consist of members chosen every second (2nd) year by the qualified electors of the several districts.

SECTION FOUR. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-one (21) years, and have been one year a resident of this State, who shall not be a male citizen of the United States, who shall not, at the time of his election, have an actual residence in the district he may be chosen to represent, and who shall not be a qualified elector as provided in this Constitution.

SECTION FIVE. The Senate shall consist of members chosen every fourth year by the qualified electors of the several districts.

SECTION SIX. No person shall be a member of the Senate who shall not have attained the age of twenty-five (25) years, and have been one year a resident of this State, who shall not be a male citizen of the United States, who shall not, at the time of his election, have an actual residence in the district he may be chosen to represent, and who shall not be a qualified elector, as provided in this Constitution.

SECTION SEVEN. The number of members composing the Senate shall be twenty-six (26), and of the House of Representatives eighty-two (82).

SECTION EIGHT. The General Assembly shall provide by law for an enumeration of the inhabitants of this State in the year one thousand eight hundred and seventy-five (1875), and every tenth (10th) year thereafter; and the first (1st) General Assembly elected after each enumeration so made, and also after each enumeration made by the authority of the United States, may rearrange the Senatorial and Representative districts according to the number of inhabitants as ascertained by such enumeration; *Provided*, That there shall be no apportionment other than that made in this Constitution, until after the enumeration to be made in the year one thousand eight hundred and seventy-five (1875).

SECTION NINE. Senators shall be chosen at the same time and in the same manner that members of the House of Representatives are required to be. Senatorial districts shall be composed of convenient contiguous territory, and no Representative district shall be divided in the formation of a Senatorial one. The Senatorial districts shall be numbered in regular series, and the term of Senators chosen for the districts designated by odd numbers shall expire in two (2) years, and the term of Senators chosen for the districts designated by even numbers shall expire in four (4) years; but thereafter Senators shall be chosen for the term of four (4) years, excepting when an enumeration of the inhabitants of the State is made, in which case, if a re-arrangement of the Senatorial districts is made the regulation above stated shall govern the term of office.

SECTION TEN. Removals of Senators and Representatives from their respective districts shall be deemed a vacation of their office.

SECTION ELEVEN. No person holding any office under the United States, or this State, or any county office, excepting Postmasters, Notaries Public, Officers of the Militia, and Township Officers, shall be eligible to, or have a seat in either branch of the General Assembly, and all votes given for any such person shall be void.

SECTION TWELVE. Senators and Representatives shall, in all cases, (treason, felony, or breach of the peace excepted,), be privileged from arrest during the session of the General Assembly. They shall not be subject to any civil process during the session of the General Assembly, or for fifteen (15) days next before the commencement, and next after the termination of each session. And they shall not be questioned in any other place for remarks made in either House.

SECTION THIRTEEN. A majority of the members of each House shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each House may prescribe.

SECTION FOURTEEN. Each House shall choose its own officers, determine the rules of its proceedings, judge of the qualifications, election and return of its members; and may, with the concurrence of two-thirds of all the members elected, expel a member; but no member shall be expelled a second time for the same cause, nor for any cause known to his constituents at the time of his election. The reasons for any such expulsion shall be entered upon the Journal, with the names of the members voting thereon.

SECTION FIFTEEN. The General Assembly shall prescribe by law the manner in which the State printing shall be executed, and the accounts rendered therefor, and shall prohibit all charges for constructive labor. They shall not rescind or alter any contract for such printing, or release the person or persons taking the same, or his or their securities, from the performance of any of the provisions of such contract.

Section Sixteen. Each House shall keep a Journal of its proceedings, and publish the same, excepting such parts as may require secrecy. The yeas and nays of the members of either House, upon any question, shall be entered on the Journal at the request of five (5) members. Any member of either House may dissent, and protest against any act, proceeding or resolution which he may deem injurious to any person or the public, and have the reason of his dissent entered on the Journal.

Section Seventeen. In all elections by either House or in joint convention, the votes shall be given *viva voce*. All votes on nominations to the Senate shall be taken by yeas and nays, and published with the Journal of its proceedings.

Section Eighteen. The doors of each House shall be open, unless the public welfare requires secrecy. Neither House shall, without the consent of the other adjourn for more than three (3) days, nor to any other place than where the General Assembly may then be in session.

Section Nineteen. Bills may originate in either House of the General Assembly, but all bills for raising revenue shall originate in the House of Representatives, though the Senate may propose amendments, as on other bills.

Section Twenty. No portion of the public funds or property shall ever be appropriated by virtue of any resolution.—No appropriation shall be made except by a bill duly passed for that purpose.

Section Twenty-one. Every bill and joint resolution shall be read three (3) times, on different days, in each House, before the final passage thereof, unless two-thirds of the House where the same is pending shall dispense with the rules. No bill or joint resolution shall become a law without the concurrence of a majority of all the members voting. On the final passage of all bills the vote shall be taken by yeas and nays, and entered on the Journal.

SECTION TWENTY-TWO. No act shall embrace more than one subject, which shall be embraced in its title. No public act shall take effect or be in force until ninety (90) days from the expiration of the session at which the same is passed, unless it is otherwise provided in the act.

SECTION TWENTY-THREE. No law shall be revised, altered or amended, by reference to its title only, but the act revised, and the section or sections of the act as altered or amended shall be enacted and published at length.

SECTION TWENTY-FOUR. No new bill shall be introduced into either House during the last three (3) days of the session without the unanimous consent of the House in which it originated.

SECTION TWENTY-FIVE. The General Assembly, at its first session, shall provide suitable laws for the registration of qualified electors, and for the prevention of frauds in elections.

SECTION TWENTY-SIX. The General Assembly shall provide for the speedy publication of all statute laws of a public nature, and of such judicial decisions as it may deem expedient. All laws and judicial decisions shall be free for publication by any person.

SECTION TWENTY-SEVEN. The style of the laws of the State shall be "Be it enacted by the General Assembly of the State of Arkansas."

SECTION TWENTY-EIGHT. The General Assembly may enact laws providing for county, township or precinct governments.

SECTION TWENTY-NINE. It shall be the duty of the General Assembly, from time to time, as circumstances may require, to frame and adopt a penal code founded on principles of reformation.

SECTION THIRTY. The General Assembly shall not change the venue in any criminal or penal prosecution, but shall provide for the same by general laws.

SECTION THIRTY-ONE. The General Assembly may pass laws authorizing appeals in criminal or penal cases, and regulating the right of challenge of jurors therein.

SECTION THIRTY-TWO. The General Assembly shall direct by law when and how juries shall be selected from judicial districts in criminal and civil cases.

SECTION THIRTY-THREE. The General Assembly shall regulate by law, by whom, and in what manner, writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

SECTION THIRTY-FOUR. The General Assembly may declare the cases in which any office shall be deemed vacant, and also for the manner of filling the vacancy, where no provision is made for that purpose in this Constitution.

SECTION THIRTY-FIVE. Every bill and concurrent resolution, except of adjournment, passed by the General Assembly, shall be presented to the Governor for approval before it becomes a law. If he approve, he shall sign it; if not, he shall return it with his objections to the House in which it originated, which shall enter the objections at large upon its Journal and reconsider it. On such reconsideration, if a majority of the members elected agree to pass the bill, it shall be sent with the objections to the other House, by which it shall be reconsidered. If approved by a majority of the members elected to that House, it shall become a law. In such cases the vote of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the Journal of each House respectively. If any bill be not returned by the Governor within three (3) days (Sundays excepted) after it has been presented to him, the same shall become a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall not become a law. The Governor may approve, sign and file in the office of the Secretary of State, within three (3) days after the adjournment of the General Assembly, any act passed during the last three (3) days of the session, and the same shall become a law.

SECTION THIRTY-SIX. Each House may punish by imprisonment, during its session, any person not a member, who shall be guilty of any disorderly or contemptuous behavior in their presence; but no such imprisonment shall at any time exceed twenty-four (24) hours.

SECTION THIRTY-SEVEN. No citizen of this State shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless the same is done by the law of the land, or the judgment of his peers, except as hereinafter provided. There shall be neither slavery nor involuntary servitude, either by indentures, apprenticeships or otherwise, in the State, except for the punishment of crime whereof the party shall have been duly convicted.

SECTION THIRTY-EIGHT. The General Assembly shall have no power to make compensation for emancipated slaves.

SECTION THIRTY-NINE. The General Assembly shall have no power to grant divorces, to change the names of individuals, or to direct the sales of estates belonging to infants or other persons laboring under legal disabilities, by special legislation; but by general laws, shall confer such powers on the courts of justice.

SECTION FORTY. The General Assembly shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person, or vacate or alter any road laid out by legal authority, or any street in any city or village, or in any recorded town plat; but shall provide for the same by general laws.

SECTION FORTY-ONE. The General Assembly shall not authorize any lottery, and shall prohibit the sale of lottery tickets.

SECTION FORTY-TWO. In case of a contested election, only the claimant decided entitled to the seat, in either House in which the contest may take place, shall receive from the State *per diem* compensation and mileage.

SECTION FORTY-THREE. No collector, holder, or disburser of public moneys shall have a seat in the General Assembly, or be eligible to any office of trust or profit under this State, until he shall have accounted for, and paid over, as provided by law, all sums for which he is liable.

SECTION FORTY-FOUR. The General Assembly shall have power to alter and regulate the jurisdiction and proceedings in law and equity, subject to the provisions of this Constitution.

SECTION FORTY-FIVE. The General Assembly shall direct by law, in what manner, and in what courts, suits may be brought by and against the State.

SECTION FORTY-SIX. It shall be the duty of the General Assembly to make adequate provision for the maintenance of paupers throughout the State.

SECTION FORTY-SEVEN. The General Assembly shall not have power to authorize any municipal corporation to pass any laws contrary to the general laws of the State, or to levy any tax on real or personal property to a greater extent than two (2) per centum of the assessed value of the same.

SECTION FORTY-EIGHT. The General Assembly shall pass no special act conferring corporate powers. Corporations may be formed under general laws; but all such laws may, from time to time, be altered or repealed. Dues from corporations shall be secured by such individual liability of the stockholders, and other means as may be prescribed by law; but, in all cases, each stockholder shall be liable over and above the stock by him or her owned, and any amount unpaid thereon, to a further sum, at least equal in amount to such stock. The property of corporations, now existing or hereafter created shall forever be subject to taxation, the same as the property of individuals. No right of way shall be appropriated to the use of any corporation until full compensation therefor shall be first made in money, or first secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation; which compensation shall be ascertained by a jury of twelve (12) men, in a Court of Record, as shall be prescribed by law.

SECTION FORTY-NINE. The General Assembly shall provide for the organization of cities and incorporated villages by general laws, and restrict their powers of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers.

SECTION FIFTY. All corporations with banking and discounting privileges shall, preparatory to issuing bills as currency, deposit the bonds of this State, equal in amount to the capital stock of such corporation, with the Auditor of the State, who shall not permit an issue of circulation exceeding eighty (80) per centum of the amount of bonds so deposited, such circulation being receivable for all taxes and dues to the State, and the individual liability of stockholders shall be as hereinbefore directed; *Provided*, That corporations chartered or existing under any act of the Congress of the United States shall be exempted from these provisions.

SECTION FIFTY-ONE. The General Assembly, on the day of final adjournment shall adjourn at twelve (12) oclock at noon.

ARTICLE VI.

EXECUTIVE DEPARTMENT.

SECTION ONE. The Executive Department of this State shall consist of a Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General and Superintendent of Public Instruction—all of whom shall hold their several offices for the term of four years and until their successors are elected and qualified. They shall be chosen by the qualified electors of this State at the time and places of choosing the members of the General Assembly.

SECTION TWO. The supreme executive power of this State shall be vested in the Governor.

SECTION THREE. No person shall be eligible to the office of Governor or Lieutenant Governor who shall not have attained the age of twenty-five (25) years, who shall not have been five (5) years a citizen of the United States, who shall not, at the time of his election, have had an actual residence in this State for one (1) year next preceding his election, and who shall not be a qualified elector as prescribed in this Constitution.

SECTION FOUR. In elections for Governor and Lieutenant Governor, the person having the highest number of votes shall be declared elected. But in case that two (2) or more persons shall have an equal, and the highest number of votes for Governor or Lieutenant Governor, the General Assembly shall, by joint vote, choose one (1) of such persons. The Governor shall be Commander-in-Chief of the military and naval forces of the State, and may call out such forces to execute the laws, suppress insurrections, repel invasions, or preserve the public peace. He shall transact all necessary business with other officers of the State Government, and may require information in writing of the officers of the Executive Department upon any subject pertaining to the duties of their respective offices.

SECTION FIVE. It shall be the duty of the Governor to see that the laws are faithfully executed.

SECTION SIX. He may convene the Legislature on extraordinary occasions.

SECTION SEVEN. He shall give to the General Assembly, and at the close of his official term, to the next General Assembly information by Message, concerning the condition of the State, and recommend such means to their consideration as he may deem expedient.

SECTION EIGHT. He may convene the General Assembly at some other place when the seat of government becomes dangerous from the prevalence of disease, or the presence of a common enemy.

SECTION NINE. He may grant reprieves, pardons and commutations after conviction for all offenses, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper; subject, however, to such regulations as may be prescribed by law relative to the manner of applying for pardons. Upon conviction for treason he may suspend execution of the sentence until the matter shall be reported to the General Assembly at its next session, when the General Assembly shall either pardon, commute the sentence, direct the execution of the same or grant a further reprieve. The Governor shall communicate to the General Assembly at each session, information concerning each case of pardon, reprieve or commutation granted, and the reasons therefor.

SECTION TEN. In case of the impeachment of the Governor, his removal from office, death, resignation, inability or removal from the State, the powers and duties of the Governor shall devolve upon the Lieutenant Governor during the residue of the term or until the disabilities of the Governor are removed.

Section Eleven. During a vacancy in the office of Governor, if the Lieutenant Governor resign, be impeached, displaced, absent from the State or incapable of acting, the President *pro tempore* of the Senate, shall act as Governor until the vacancy be filled or the disability cease.

Section Twelve. The Lieutenant Governor shall, by virtue of his office, be President of the Senate, and when there is an equal division he shall give the casting vote.

Section Thirteen. No member of Congress or any person holding any office under the United States or this State, shall execute the office of Governor.

Section Fourteen. The Lieutenant Governor, and the President of the Senate *pro tempore* while performing the office of Governor, shall receive the same compensation as the Governor.

Section Fifteen. All official acts of the Governor—his approval of the laws excepted—shall be authenticated by the great Seal of the State, which Seal shall be kept by the Secretary of State.

Section Sixteen. The Governor shall, by and with the advice and consent of the Senate, appoint a convenient number of Notaries Public, not to exceed six (6) for each county, who shall discharge such duties as are now or as may hereafter be prescribed by law.

Section Seventeen. All commissions issued to persons holding office under the provisions of this Constitution shall be in the name, and by the authority of the people of the State of Arkansas, sealed with the great Seal of the State, signed by the Governor and countersigned by the Secretary of State.

Section Eighteen. The Governor, Chief Justice, Secretary of State, Treasurer, Auditor, Attorney General and Superintendent of Public Instruction shall severally reside, and keep all public records, books, papers and documents which may pertain to their respective offices, at the seat of government.

Section Nineteen. The returns of every election for Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General and Superintendent of Public Instruction, shall be sealed up and transmitted to the seat of government by the returning officers and directed to the presiding officer of the Senate, who, during the first week of the session shall open and publish the same in presence of the members then assembled. The person having the highest number of votes shall be declared elected, but if two (2) or more shall have the highest and equal number of votes for the same office, one of them shall be chosen by joint vote of both houses. Contested elections shall likewise be determined by both houses of the General Assembly in such manner as is or may hereafter be prescribed by law.

SECTION TWENTY. The Secretary of State shall keep a fair record of all official acts and proceedings of the Governor, and shall when required lay the same and all papers, minutes and vouchers relative thereto, before the General Assembly, and shall perform such other duties as are now, or may hereafter be prescribed by law.

SECTION TWENTY-ONE. The Auditor, Treasurer, Attorney General, and Superintendent of Public Instruction, shall perform such duties as are now, or may hereafter be prescribed by law.

SECTION TWENTY-TWO. In case of the death, impeachment, removal from the State or other disability of the Secretary of State, Treasurer, Auditor, Attorney General and Superintendent of Public Instruction, the vacancies in their several offices thus occasioned shall be filled by appointment of the Governor, which appointment shall be made for the unexpired terms of said officers, or until said disabilities are removed, or until elections are held to fill said vacancies.

SECTION TWENTY-THREE. Until the General Assembly shall otherwise provide, the Governor shall appoint a suitable person, who shall be styled Commissioner of Public Works and Internal Improvements, who shall hold his office during the term of four (4) years, and until his successor is duly commissioned and qualified. It shall be the duty of the Commissioner of Public Works and Internal Improvements to superintend all public works which may be carried on by the State, and have a supervising control over all internal improvements in which the State is interested, and, until otherwise provided by the General Assembly, he shall be *ex-officio* Commissioner of Immigration and of State Lands, and shall perform such other duties as may be prescribed by law. He shall receive for his services the same salary as provided by law for the Auditor of State.

SECTION TWENTY-FOUR. The officers of the Executive Department, mentioned in this Article, shall, at stated times, receive for their services a compensation to be established by law, which shall not be diminished during the period for which they have been elected or appointed.

SECTION TWENTY-FIVE. The officers of the Executive Department and Judges of the Supreme Court shall not be eligible, during the period for which they may be elected or appointed to their respective offices, to any position in the gift of the qualified electors, or of the General Assembly of this State.

SECTION TWENTY-SIX. The returns of every election for State, County and Judicial officers, not herein provided for, shall be sealed up and transmitted to the seat of Government by the returning officers, and directed to the Secretary of State, who shall open and publish the same, and the persons so elected shall be duly commissioned by the Governor.

ARTICLE VII.

JUDICIARY.

SECTION ONE. The Judicial power of the State shall be vested in the Senate sitting as a Court of Impeachment, a Supreme Court, Circuit Courts, and such other courts inferior to the Supreme Court, as the General Assembly may from time to time establish.

SECTION TWO. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate. When sitting for that purpose Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members thereof. The Chief Justice shall preside, and the Secretary of State shall act as Clerk of this Court; *Provided*, that in case of the trial of either of them the person appointed temporarily to perform the duties of the office shall act.

The Governor, and all civil officers under this State, shall be liable to impeachment for any misconduct or maladministration of their respective offices; but judgment in such cases shall not extend farther than to removal from office and disqualification to hold any office of honor, trust, or profit, under this State. The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial and judgment according to law.

SECTION THREE. Two (2) terms of the Supreme Court shall be held at the seat of Government annually, *provided* that the General Assembly may provide by law for holding said court at three other places. The Supreme Court shall consist of one (1) Chief Justice, who shall be appointed by the Governor, by and with the advice and consent of the Senate, for the term of eight (8) years, and four Associate Justices, who shall be chosen by the qualified electors of the State at large for the term of eight (8) years; *Provided*, that two (2) of the Associate Justices first chosen under this Constitution shall serve for four (4) years after the next general election, and two (2) of them for eight (8) years after said election, said times to be determined by lot; but thereafter the Associate Justices shall be chosen for the full term.

SECTION FOUR. The Supreme Court shall have general supervision and control over all inferior courts of law and equity. It shall have power to issue writs of error, supersedeas, certiorari, habeas corpus, mandamus, quo-warranto, and other remedial writs, and to hear and determine the same. Final Judgments in the inferior courts may be brought by writ of error, or by appeal, into the Supreme Court, in such manner as may be prescribed by law.

SECTION FIVE. The inferior courts of the State, as now constituted by law, except as hereinafter provided, shall remain with the same jurisdiction as they now possess; *Provided*, that the General Assembly may provide for the establishment of such inferior courts, changes of jurisdiction, or abolition of existing inferior courts, as may be deemed requisite. The Judges of the inferior courts herein provided for, or of such as may hereafter be established by law, shall be appointed by the Governor, by and with the advice and consent of the

Senate, for the term of six (6) years, and until such time as the General Assembly may otherwise direct; *Provided*, that the General Assembly shall not interfere with the term of office of any Judge.

SECTION SIX. All writs and other processes shall run in the name of the State of Arkansas, and bear teste and be signed by the clerks of the respective courts from which they issue. Indictments shall conclude "Against the peace and dignity of the State of Arkansas."

SECTION SEVEN. No Judge shall preside on the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by affinity or consanguinity within such degrees as may be prescribed by law, or in which he may have been counsel, or have presided in any inferior court.

SECTION EIGHT. In case all or any of the judges of the Supreme Court shall be disqualified from presiding, on any cause or causes, the court or judges thereof shall certify the same to the Governor of the State and he shall immediately commission, specially, the required number of men learned in the law for the trial and determination thereof.

SECTION NINE. Whenever, at ten (10) oclock, A.M. of the second (2nd) day of any term of the inferior courts of this State, the judge thereof is not present, or if present and he cannot for any cause properly preside at the trial of any case then pending therein, the attorneys of said court then present may elect a special judge, who shall preside during the trial of such case or cases, or shall hold said court until the appearance of the regular judge thereof. The proceedings in such cases shall be entered at large upon the Record.

SECTION TEN. The judges of the inferior courts may temporarily exchange circuits, or hold courts for each other under such regulations as may be prescribed by law.

SECTION ELEVEN. Judges shall not charge juries with regard to matters of fact, but shall declare the law. In all trials by jury the judges shall give their instructions and charges in writing; and if the trial is by the court he shall reduce to writing his findings upon the facts in the case, and shall declare the law in the same manner he is required to do when instructing juries.

SECTION TWELVE. Any judge whose appointment or election is herein provided for, shall be at least twenty-five (25) years of age, a qualified elector of this State, and shall have been for one year an actual resident of the State, and shall reside in the circuit or district to which he may be appointed or elected.

SECTION THIRTEEN. The judges of the Supreme and inferior Courts shall, at stated times, receive a compensation for their services as is now or may hereafter be provided by law, and which shall not be diminished during the respective terms for which they may be elected or appointed.

SECTION FOURTEEN. The inferior courts shall hold annually such terms as the General Assembly may direct.

SECTION FIFTEEN. All appeals from inferior Courts shall be taken in such manner and to such Courts as may be provided by law. Appeals may be taken from courts of Justices of the Peace to such Courts and in such manner as may be prescribed by law.

SECTION SIXTEEN. When a vacancy occurs in the office of Judge of the Supreme, or any of the inferior Courts, it shall be filled by appointment of the Governor; which appointee shall hold his office the residue of the unexpired term, and until his successor is elected and qualified.

SECTION SEVENTEEN. The Supreme Court and such other Courts as may be established by law shall be Courts of *record* and shall have a common seal.

SECTION EIGHTEEN. The Supreme Court shall appoint a clerk of such court, and also a reporter of its decisions. The decisions of the supreme court shall be in writing, and signed by the judges concurring therein. Any judge dissenting therefrom shall give the reasons of such dissent in writing, over his signature; all such decisions shall be filed in the office of the Clerk of the Supreme Court, and be published in such manner as the General Assembly may direct. The clerk and reporter shall hold their respective offices for the term of six years, subject to removal by the Court for cause.

SECTION NINETEEN. A county clerk shall be elected by the qualified electors in each organized county in this State, for the term of four

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SECTION TWO. The supervision of public schools shall be vested in a Superintendent of Public Instruction, and such other officers as the General Assembly shall provide. The Superintendent of Public Instruction shall receive such salary, and perform such duties as shall be prescribed by law.

SECTION THREE. The General Assembly shall establish and maintain a State University, with departments for instruction in teaching, in agriculture, and the natural sciences as soon as the public school fund will permit.

SECTION FOUR. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by the United States or this State, also all mines, stocks, bonds, lands and other property, now belonging to any fund for purposes of education, also the nett proceeds of all sales of lands and other property and effects that may accrue to this State by escheat, or from sales of estrays, or from unclaimed dividends, or distributive shares of the estates of deceased persons, or from fines, penalties or forfeitures, also any proceeds of the sales of public lands which may have been or may be hereafter paid over to this State (Congress consenting,) also all the grants, gifts, or devises that have been or hereafter may be made to this State and not otherwise appropriated by the terms of the grant, gift or devise shall be securely invested and sacredly preserved as a public school fund, which shall be the common property of the State. The annual income of which fund together with one (1) dollar *per capita* to be annually assessed on every male inhabitant of this State, over the age of twenty-one (21) years, and so much of the ordinary annual revenue of the State as may be necessary, shall be faithfully appropriated for establishing and maintaining the free schools and the University, in this article provided for, and for no other uses or purposes whatever.

SECTION FIVE. No part of the Public school fund shall be invested in the stocks, or bonds, or other obligations of any State, or any County, City, town or corporation. The stocks belonging to any school fund or University fund, shall be sold in such manner, and at such times as the General Assembly shall prescribe, and the proceeds thereof, and the proceeds of the sales of any lands or other property which now belongs or may hereafter belong to said school fund may be invested in the bonds of the United States.

SECTION SIX. No Township or school district shall receive any portion of the public school fund, unless a free school shall have been kept therein for not less than three (3) months during the year, for which distribution thereof is made. The General Assembly shall require by law, that every child of sufficient mental and physical ability, shall attend the public schools during the period between the ages of five (5) and eighteen (18) years, for a term equivalent to three (3) years unless educated by other means.

SECTION SEVEN. In case the public school-fund shall be insufficient to sustain a free school at least three (3) months in every year in each school district in this State, the General Assembly shall provide by law, for raising such deficiency by levying such tax upon all taxable property in each County, Township or school district that may be deemed proper.

SECTION EIGHT. The General Assembly shall as far as can be done without infringing upon vested rights, reduce all lands, monies, or other property, used or held for school purposes in the various Counties of this State, into the public school fund herein provided for.

SECTION NINE. Provision shall also be made, by general laws, for raising such sum or sums of money by taxation, or otherwise in each school district as may be necessary for the building and furnishing of a sufficient number of suitable school houses for the accommodation of all the pupils within the limits of the several school districts.

ARTICLE X.

FINANCES, TAXATION, PUBLIC DEBT AND EXPENDITURES.

SECTION ONE. The levying of taxes by the poll is grievous and oppressive; therefore the General Assembly shall never levy a poll tax excepting for school purposes.

SECTION TWO. Laws shall be passed taxing by a uniform rule all money credit, investments in bonds, joint stock companies or otherwise; and also all real and personal property according to its true value in money; but burying grounds, public school houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, shall never be taxed. Real estate shall be appraised at least once every five (5) years, by an appraiser to be provided for by law at its true value in money. Personal property shall be appraised in such manner as may be provided by law at its true value in money; but the General Assembly may exempt from taxation personal property to the value of five hundred (500) dollars to each tax payer.

SECTION THREE. The General Assembly shall provide by law, for taxing the notes and bills discounted or purchased, moneys loaned, and all other property, effects or dues of every description, without deduction, of all banks now existing, or hereafter created, and of all bankers, so that all property employed in banking, shall always bear a burden of taxation equal to that imposed on other property of individuals.

SECTION FOUR. The General Assemby shall provide for raising revenue sufficient to defray the expenses of the State, for each year; and also a sufficient sum to pay the interest on the State debt.

SECTION FIVE. No tax shall be levied except in pursuance of law; and every law imposing a tax shall state distinctly the object of the same.

SECTION SIX. The credit of the State or counties, shall never be loaned for any purpose without the consent of the people thereof, expressed through the ballot box.

SECTION SEVEN. The General Assembly may require the exhibit of receipts and expenditures of State and county officers at such time and manner as may be prescribed by law.

SECTION EIGHT. No money shall be paid out of the treasury, until the same shall have been appropriated by law.

SECTION NINE. The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; and the money arising from the creation of such debts shall be appropriated to the purposes for which it was obtained or to pay the debt so contracted, and to no other.

SECTION TEN. In addition to the above power the State may contract debts to repel invasion, suppress insurrection, preserve the public peace, defend the State in time of war, or to redeem the present outstanding indebtedness of the State; but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised, and no other, and all debts incurred to redeem the present outstanding indebtedness of the State, shall be so contracted as to be payable by the sinking fund hereinafter provided for, as the same shall accumulate.

SECTION ELEVEN. The faith of the State being pledged for the payment of its debt, in order to provide therefor, there shall be created a sinking fund; which shall be sufficient to pay the accruing interest on such debt, and annually to reduce the same. The said sinking fund shall consist of such nett earnings and profits, of public institutions, bonds, stocks or other property of the State, or of any other funds or resources, that are or may be provided by law.

SECTION TWELVE. The Governor, Secretary of State and Attorney General, are hereby created a Board of Commissioners to be styled "the Commissioners of the Sinking Fund."

SECTION THIRTEEN. The Commissioners of the Sinking Fund shall, immediately preceding each regular session of the General Assembly, make an estimate of the probable amount of the fund provided by the eleventh (11th) section of this article, from all sources, except from taxation and report the same, together with all their proceedings relative to said fund and the public debt, and transmit the same to the General Assembly, and the General Assembly shall make all necessary provisions for raising and disbursing said sinking fund, in pursuance of the provisions of this article.

SECTION FOURTEEN. It shall be the duty of said Commissioners faithfully to apply in such manner as the General Assembly may by law direct, said fund, together with all moneys that may be, by the General Assembly, appropriated to that object, to the payment of the interest as it becomes due and the redemption of the principal of the public debt of the State, excepting only school and trust funds held by the State.

SECTION FIFTEEN. The principal arising from the sale of all lands donated to the State for school purposes, shall be paid into the treasury, and the State shall pay interest thereon, for the support of schools, at the rate of six (6) per cent per annum.

SECTION SIXTEEN. The State shall never assume the debts of county, town, city or other corporations, unless such debts have been created to repel invasion, suppress insurrection, or to provide for the public welfare and defense.

SECTION SEVENTEEN. The General Assembly shall tax all privileges, pursuits and occupations, that are of no real use to society; all others shall be exempt, and the amount thus raised shall be paid into the treasury.

ARTICLE XI.

MILITIA.

SECTION ONE. All able bodied electors in this State, shall be liable to military duty in the militia of this State, but all citizens of any denomination whatever who from scruples of conscience, may be adverse to bearing arms, shall be exempt therefrom, upon such conditions as may be prescribed by law.

SECTION TWO. The General Assembly shall provide for organizing, equip(p)ing and disciplining the militia in such manner as it shall deem expedient, not incompatible with the laws of the United States.

SECTION THREE. The Governor shall be Commander-in-Chief, and shall have power to call out the militia to execute the laws, to suppress insurrection, to repel invasion, and to preserve the public peace.

ARTICLE XII.

EXEMPTED PROPERTY.

SECTION ONE. The personal property of any resident of this State, to the value of two thousand (2000) dollars, to be selected by such resident, shall be exempted from sale on execution or other final process of any court, issued for the collection of any debt, contracted after the adoption of this Constitution.

SECTION TWO. Hereafter the homestead of any resident of this State, who is a married man or head of a family shall not be encumbered in any manner while owned by him, except for taxes, laborers and mechanic's liens, and security for the purchase money thereof.

SECTION THREE. Every homestead not exceeding one hundred and sixty (160) acres of land, and the dwelling and appurtenances thereon; to be selected by the owner thereof, and not in any town, city or village; or in lieu thereof, at the option of the owner; any lot in a city, town, or village, with the dwelling and appurtenances thereon, owned and occupied by any resident of this State, and not exceeding the value of five thousand dollars shall be exempted from sale on execution or any other final process from any court; but no property shall be exempt from sale for taxes, for the payment of obligations contracted for the purchase of said premises, for the erection of improvements thereon, or for labor performed for the owner thereof. *Provided;* That the benefit of the homestead herein provided for, shall not be extended to persons, who may be indebted for dues to the State, county, township, school or other trust funds.

SECTION FOUR. If the owner of a homestead die leaving a widow; but no children the same shall be exempt, and the rents and profits thereof, shall accrue to her benefit, during the time of her widowhood, unless she be the owner of a homestead in her own right.

SECTION FIVE. The homestead of a family after the death of the owner thereof, shall be exempt from the payment of his debts in all cases, during the minority of his children, and also, so long as his widow shall remain unmarried, unless she be the owner of a homestead in her own right.

SECTION SIX. The real and personal property of any female, in this State, acquired either before or after marriage, whether by gift, grant, inheritance, devise, or otherwise, shall so long as she may choose; be and remain the sep(a)rate estate and property of such female, and may be devised, or bequeathed by her, the same as she were a *femme sole.* Laws shall be passed providing for the registration of the wife's sep(a)rate property, and when so registered; and so long as it is not entrusted to the management or control of her husband, otherwise than as an agent, it shall not be liable for any of his debts, engagements or obligations.

ARTICLE XIII.

AMENDMENTS TO THE CONSTITUTION.

SECTION ONE. Any amendments to this Constitution may be proposed in either House of the General Assembly; and if the same, shall be agreed to, by a majority of the members elected to each of the two (2) Houses; such proposed amendment shall be entered on their journals, with the yeas, and nays, taken thereon, and ref[f]erred to the Legislature, to be chosen at the next general election and shall be published as provided by law, for three (3) months previous, to the time of making such choice, and if in the General Assembly so next chosen as aforesaid, such proposed amendment, or amendments, shall be agreed to, by a majority of all the members elected to each House, then it shall be the duty of the General Assembly, to submit such proposed amendment, or amendments, to the people in such manner, and at such times as the General Assembly shall provide; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors, qualified to vote for members of the General Assembly voting thereon, such amendment or amendments, shall become a part of the Constitution of this State.

SECTION TWO. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors, shall vote for, or against, each of said amendments sep(a)rately.

ARTICLE XIV.

APPORTIONMENTS.

SECTION ONE. The Congressional districts shall remain as they now are: *Provided,* That the General Assembly may at the first session held after the adoption of this Constitution, re-district the State for Congressional purposes.

SECTION TWO. Until after the apportionment, as herein provided for, the Senatorial and Representative Districts shall be composed of the following counties, to-wit; The 1st of Jackson, Craighead, Poinsett, Cross and Mississippi; 2nd of Lawrence, Randolph and Greene; 3d of Madison, Marion, Carroll, Fulton and Izard; 4th of Independence and Van Buren; 5th of Searcy, Pope and Conway; 6th of Newton, Johnson and Yell; 7th of Washington and Benton; 8th of Crawford, Franklin and Sebastian; 9th of Crittenden, St. Francis and Woodruff; 10th of Pulaski and White; 11th of Phillips and Monroe; 12th of Prairie and Arkansas; 13th of Scott, Polk, Montgomery and Hot Springs; 14th of Hempstead; 15th of Lafayette and Little River; 16th of Union and Calhoun; 17th of Clark, Pike and Sevier; 18th of Columbia; 19th of Ouachita; 20th of Jefferson and Bradley; 21st of Dallas, Saline and Perry; 22nd of Ashley, Chicot, Drew and Desha. The Senators and Representatives shall be apportioned among the several Senatorial and Representative Districts as follows, to-wit:

1st	district—	1	Senator	and	4	Representatives.
2nd	"	1	"	"	3	"
3d	"	1	"	"	4	"
4th	"	1	"	"	3	"
5th	"	1	"	"	3	"
6th	"	1	"	"	3	"

7th	district—	1	Senator	and	4	Representatives.
8th	“	1	“	“	4	“
9th	“	1	“	“	4	“
10th	“	2	“	“	6	“
11th	“	2	“	“	6	“
12th	“	1	“	“	4	“
13th	“	1	“	“	3	“
14th	“	1	“	“	3	“
15th	“	1	“	“	3	“
16th	“	1	“	“	2	“
17th	“	1	“	“	4	“
18th	“	1	“	“	3	“
19th	“	1	“	“	2	“
20th	“	2	“	“	6	“
21st	“	1	“	“	2	“
22nd	“	2	“	“	6	“

ARTICLE XV.

Miscellaneous Provisions.

Section One. The President of the Convention shall, immediately after the adjournment thereof, cause this Constitution to be deposited in the office of the Secretary of State, and shall transmit a copy of the same to the President of the United States, to be by him laid before the Congress of the United States.

Section Two. In all cases not otherwise provided for in this Constitution, the General Assembly may determine the mode of filling all vacancies in all offices, and of choosing all necessary officers, and shall define their respective powers and duties, and provide suitable compensation for all officers.

Section Three. All general elections shall be held on the Tuesday succeeding the first (1st) Monday in November, and shall be biennial, commencing at the general election of A.D. 1868; but all officers elected under the provisions of this Constitution and schedule, except Members of Congress, at the election commencing on the 13th day of March 1868, shall hold and continue in office in accordance with the provisions of this Constitution the same as though elected at the general election, to be held on the Tuesday succeeding the first Monday in November, 1868; and no election shall be held for said officers at the election of 1868.

SECTION FOUR. All chartered cities and villages under the laws of this State, shall hold their municipal elections for the year 1868, at such times and places as may be provided in this Constitution, and the schedule of the same.

SECTION FIVE. The term of office of all township and precinct officers shall expire thirty (30) days after this Constitution goes into effect, and the Governor shall thereafter appoint such officers whose term of office shall continue until the General Assembly shall provide by law for an election of said officers.

SECTION SIX. Until the General Assembly shall otherwise provide, a prosecuting attorney for each judicial circuit shall be appointed by the Governor, by and with the advice and consent of the Senate, who shall hold his office for the term of four (4) years, and until his successor is chosen and qualified: *Provided*, That the General Assembly shall not interfere with the term of any appointed prosecuting attorney.

SECTION SEVEN. The compensation of Senators and Representatives shall be six (6) dollars per diem, during the first session after the adoption of this Constitution, but may afterwards be prescribed by law: *Provided*, No increase of compensation shall be prescribed which shall take effect until the period for which the members of the House of Representatives then existing shall have expired.

SECTION EIGHT. Senators and Representatives shall receive twenty (20) cents for each mile necessarily travelled in going to, and returning from the seat of government, in attending each session of the General Assembly, until otherwise provided by law.

SECTION NINE. All salaries, fees and per diem, or other compensation of all State, county, town or other officers within the State, shall be payable in such funds as may by law be receivable for State taxes.

SECTION TEN. Any public fund set apart by the General Assembly for one (1) purpose, shall not be used for another unless in each case otherwise specially authorized by law.

SECTION ELEVEN. This Convention shall appoint not more than three (3) persons, learned in the law, whose duty it shall be to revise and re-arrange the statute laws of this State, both civil and criminal, so as to have but one law on any one subject; and, also, three other persons learned in the law, whose duty it shall be to prepare a code of practice for the courts, both civil and criminal in this State, by abridging and simplifying the rules of practice and laws in relation thereto; all of whom shall, at as early a day as practicable, report the result of their labors to the General Assembly for their adoption or modification. The General Assembly shall provide suitable compensation for said persons appointed as aforesaid.

SECTION TWELVE. No county now established by law shall ever be reduced by the establishment of any new county or counties, to less than six hundred (600) square miles; nor shall any county be hereafter established which shall contain less than six hundred (600) square miles.

SECTION THIRTEEN. No indenture of any person hereafter made and executed out of this State, or if made in this State, where the term of service exceeds one (1) year, shall be of the least validity, except those given in cases of apprenticeship, which shall not be for a longer term than until the apprentice shall arrive at the age of twenty-one (21) years, if a male, or eighteen (18) years if a female.

SECTION FOURTEEN. All contracts for the sale or purchase of slaves are null and void, and no Court of this State shall take cognizance of any suit founded on such contracts; nor shall any amount ever be collected or recovered on any judgment or decree which shall have been, or which hereafter may be, rendered on account of any such contract or obligation on any pretext, legal or otherwise.

SECTION FIFTEEN. There shall be a great seal of the State which shall be kept and used officially by the Secretary of State, and the seal heretofore in use in this State, shall continue to be the great seal of the State, until another shall have been adopted by the General Assembly.

Section Sixteen. Private seals are hereby abolished, and hereafter no distinction shall exist between sealed and unsealed instruments, concerning contracts between individuals. All laws of this State not in conflict with this Constitution, shall remain in full force until otherwise provided by the General Assembly, or until they expire by their own limitation. Nothing herein shall be construed to impair vested rights under provisions of existing laws.

Section Seventeen. All officers of this State, executive, legislative and judicial, before they enter upon the duties of their respective offices, shall take the following oath: "I, ——, do solemnly swear, (or affirm,) that I am not disfranchised by the Constitution or laws of the United States, or the Constitution of the State of Arkansas, that I will honestly and faithfully support and defend the Constitution and laws of the United States, the Union of States, and the Constitution and laws of the State of Arkansas, and that I will honestly and faithfully discharge the duties of the office on which I am about to enter, to the best of my ability. So help me God."

Section Eighteen. The term of all officers elected or appointed under the provisions of this Constitution shall expire on the first day of January, 1873, unless herein otherwise provided.

Section Nineteen. No one shall be precluded from being elected or appointed to any office by reason of having been a delegate to this Convention, or an officer of the same.

Section Twenty. No person shall be allowed or qualified to sit on any jury who is not a qualified elector.

Section Twenty-one. The General Assembly may by general law, declare the legal rate of interest upon contracts in which no rate of interest is specified, but no law limiting the rate of interest for which individuals may contract in this State, shall ever be passed.

Section Twenty-two. All Judges and Clerks of Election appointed under provisions of this Constitution, shall take and subscribe to the oath of an elector as provided in Section 5, of Article VIII before they enter upon the duties of said offices; and said Judges are hereby authorized to administer the oath to each other and to the Clerks; also to administer the same to all electors offering to vote. Said Judges and Clerks shall also swear to discharge their respective duties to the best of their ability according to law. Judges of election may appoint a suitable number of persons, who shall, with themselves, be conservators of the peace, and they are hereby empowered to arrest all offenders. Any one refusing to act as such when called on by the Judges, shall be subject to a fine of at least one hundred (100) dollars, or imprisonment not less than six months, or both.

SCHEDULE.

SECTION ONE. On the 13th day of March, A.D. 1868, and such successive days as hereinafter provided, an election shall be held for members of the House of Representatives of the United States, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, Superintendent of Public Instruction, Judges of the Supreme Court, members of the General Assembly and all county officers, and also for the submission of this Constitution to the people for their adoption or rejection.

SECTION TWO. Upon the days designated as aforesaid, every qualified elector under the provisions of this Constitution may vote for all officers to be elected under this Constitution at such election, and also for or against the adoption of this Constitution.

SECTION THREE. In voting for or against the adoption of this Constitution, the words "For Constitution" or "Against Constitution" shall be written or printed on the ballot of each voter, but no voter shall vote for or against this Constitution on a separate ballot from that cast by him for officers to be elected at said election under this Constitution.

SECTION FOUR. A Board of Commissioners is hereby appointed to consist of James L. Hodges, Joseph Brooks and the President of this Convention, any two of whom shall constitute a quorum to transact business, who shall keep an office for the transaction of business in

Little Rock, and who may employ such clerical force as may be necessary, said clerks not to receive more per day for each day actually employed than the *per diem* paid the assistant secretaries of this Convention, and who are authorized and empowered to appoint, or cause to be appointed suitable persons for judges and clerks of election in each county in this State to hold the election therein for all state and county officers, and for members of the General Assembly and of the House of Representatives of the United States, and also for the ratification of this Constitution. Said election shall be held at such times and places in each county, commencing on the 13th day of March, and continuing on such successive days as the Commissioners may direct, to secure a full and fair vote at such election.

SECTION FIVE. The Judges of election appointed as aforesaid, shall make returns of the same to said Commissioners in such manner and under such regulations as said Commissioners may prescribe, which returns shall show the number of votes cast at said election for and against this Constitution, and the number cast for each candidate for the offices provided for in this Constitution and Schedule.

SECTION SIX. Any person contesting the election under this Constitution for any state officer or member of the General Assembly, shall do so before said Board of Commissioners, who shall have power to decide and declare the right to any office contested, and give the candidate legally elected a certificate of the same; Provided, Said Commissioners may in the cases of members of the General Assembly whose right to the seats may be contested, refer the same to the General Assembly for their determination. Said Board of Commissioners shall appoint the judges and clerks of the municipal elections to be held under the provisions of this Constitution. Said judges shall conduct and make returns of said elections in the manner prescribed by the charter of the city or village in which said municipal election shall be held.

SECTION SEVEN. Said Commissioners shall appoint suitable persons as Boards in every county, to hear and decide all cases of contested county elections.

SECTION EIGHT. The said Commissioners shall have power to inquire into the fairness or validity of the voting upon the ratification of this Constitution, and to count the votes given at said election, and shall reject all fraudulent or illegal votes cast at said election; and said Commissioners shall also have power, whenever it is made to appear that fraud, fear, violence, improper influence, or restraint, were used, or persons were prevented or intimidated from voting at such elections, to take such steps, either by setting aside the election and ordering a new one, or rejecting votes, or correcting the results in any county or precinct as may in such cases be just and equitable.

SECTION NINE. That said Commissioners shall declare the result of the election upon the ratification of this Constitution, and if adopted, the President of this Convention shall transmit a certified copy of the same, together with an abstract of the votes cast to the President of the United States, to be by him laid before the Congress of the United States for their approval or rejection, and shall also declare the officers elected thereunder; and if declared ratified, the Constitution shall from and after that date be in full force and effect.

SECTION TEN. No person disqualified from voting or registering under this Constitution shall vote for candidates for any office, nor shall be permitted to vote for the ratification or rejection of this Constitution at the polls herein authorized. The Governor and all other officers elected under this Constitution, shall enter upon the duties of their offices when they shall have been declared duly elected by said Board of Commissioners and shall have duly qualified. All officers shall qualify and enter upon the discharge of the duties of their offices, within fifteen (15) days after they have been duly notified of their election or appointment.

SECTION ELEVEN. Upon notice of the election or appointment, and qualification of the officers elected or appointed, under this Constitution, the present incumbents of all State, county and city offices shall vacate the same and turn over to the officers so elected or appointed and qualified hereunder, all books, papers, records, monies and documents belonging or pertaining to said offices on application made by the officers elected or appointed and qualified under this Constitution.

SECTION TWELVE. Any person may vote at the polls herein authorized for the election of officers and ratification of this Constitution whom the judges of said election shall be satisfied by oath of the person offering to vote, and such other satisfactory evidence as they may require, is a legally qualified elector under this Constitution; *Provided*, The judges of election shall administer to every person offering to vote, at said election, the oath prescribed in this Constitution.

SECTION THIRTEEN. In the event that either of the three (3) Commissioners, appointed by section four, hereof, should be a candidate for any office, the other two Commissioners shall canvass the vote so far as it relates to that office, and issue the certificate to the person elected.

SECTION FOURTEEN. In case of death or any disability of any member or members of said Board of Commissioners, the remaining Commissioner or Commissioners, shall have power to fill such vacancy; and said Commissioner or Commissioners so appointed; shall have full power to act as though originally appointed.

SECTION FIFTEEN. Any person selling or giving away intoxicating liquor, during the time of the election, herein provided for, shall be punished by a fine of not less than two hundred (200) dollars, for each and every offense, or imprisonment not less than six months, or both.

SECTION SIXTEEN. Said Commissioners shall provide suitable poll books for each county, and such instructions as may be necessary to carry into effect the provisions of this schedule. Judges and clerks of election thus appointed, shall receive the same *per diem* as the boards of registers provided for in the act entitled "An act to provide for the more efficient government of the rebel States," passed March 2nd, 1867, and acts supplementary thereto.

SECTION SEVENTEEN. The Commissioners herein appointed, shall receive for their services, for each day actually employed such compensation per day and allowances, and in such manner as are now provided for members of this Convention. All expenses incurred under this schedule, not otherwise provided for, shall be paid out of the appropriation for defraying the expenses of this Convention.

Done in Convention, at Little Rock, the eleventh day of February, in the year of our Lord one thousand eight hundred and sixty-eight, and of the independence of the United States the ninety second.

IN WITNESS WHEREOF, we have hereunto subscribed our names.

THOMAS M. BOWEN,
President of the Convention,
and Delegate from the County of Crawford.

GEORGE S. SCOTT, Little River County.
FRED. R. POOLE, Miss. & Craighead Cos.
GEORGE W. DALE, Independence County.
PETER C. MISNER, " "
CLIFFORD STANLEY SIMS, Delegate from Desha County.
DANIEL COATES, Delegate from Saint Francis County.
J. A. HOUGHTON, Delegate from Cross & Poinsett Counties.
FRANKLIN MONROE ROUNSAVILLE, Yell County.
SOLOMON EXON, Delegate from Clark County.
MILES LEDFORD LANGLEY, " "
GAYLE H. KYLE, Delegate from Dallas County.
MOSES BELL, Delegate from Sebastian County.
JOHN H. HUTCHINSON, M.D., Delegate from Arkansas County.
JOHN McCLURE, Del. Arkansas County.
AMOS H. EVANS, Delegate from Monroe County.
JOHN N. SARBER, Delegate from Johnson County.
JESSE MILLSAPS, Delegate from Van Buren County.
WILLIAM A. WYATT, Delegate from Searcy and Fulton Counties.
ANTHONY HINKLE, Delegate from Conway County.
O. P. SNYDER, Delegate from Jefferson County.
SAMUEL W. MALLORY, Delegate from Jefferson County.
JAMES M. GRAY, Delegate from Jefferson County.
JOSEPH BROOKS, Phillips County.
THOMAS SMITH, " "
WILLIAM H. GREY, " "
JAMES T. WHITE, " "
PARLEY A. WILLIAMS, Delegate from Marion and Newton.

ROBERT HATFIELD, Delegate from Franklin County.
JOHN W. HARRISON, Delegate from Hot Springs County.
JAMES W. MASON, Delegate from Chicot County.
GEORGE W. McCOWN, Delegate from Columbia County.
WILLIAM G. HOLLIS, Delegate from Calhoun Co.
JAMES L. HODGES, Delegate from Pulaski Co.
JAMES HINDS, Delegate from Pulaski Co.
HENRY RECTOR, Delegate from Pulaski County.
THOMAS P. JOHNSON, Delegate from Pulaski County.
JOHN C. PRIDDY, Delegate from Montgomery Co.
ASA HODGES, Delegate from Crittenden Co.
F. M. SAMS, Delegate from Madison County.
CHARLES H. OLIVER, Delegate from Scott County.
NATHAN N. RAWLINGS, from Ouachita County.
JNO. R. MONTGOMERY, Delegate from Hempstead County.
SOLOMON D. BELDEN, Delegate from Hempstead County.
RICHARD SAMUELS, " "
R. C. VAN HOOK, Delegate from Union County.
IRA L. WILSON, Delegate from Union County.
WALTER W. BRASHEAR, Delegate from Pope County.
ALFRED M. MERRICK, Delegate from Lafayette County.
WILLIAM A. BEASLEY, Delegate from Columbia County.
JAMES P. PORTIS, Delegate from Ouachita County.
MONROE HAWKINS, Delegate from Lafayette County.
WILLIAM MURPHY, Delegate from Jefferson County.

Attest:

JOHN G. PRICE,
Secretary.

AN ORDINANCE,

TO PROVIDE FOR AN ELECTION BY THE VOTERS REGISTERED IN THIS STATE, UNDER AN ACT OF CONGRESS ENTITLED "AN ACT TO PROVIDE FOR THE MORE EFFICIENT GOVERNMENT OF THE REBEL STATES," PASSED MARCH 2ND, 1867, AND THE ACTS SUPPLEMENTARY THERETO.

SECTION ONE. *Be it ordained*, that any voter registered under the provisions of an act of Congress entitled "An act to provide for the more efficient government of the rebel States," passed March 2nd, 1867, and the supplementary acts thereto, shall be permitted to vote in any county in this State, where he may be at the time of the election, upon the ratification of the Constitution framed by this Convention.

SECTION TWO. That in voting for or against the ratification of this Constitution, the words "For Constitution" or "Against Constitution" shall be written or printed on each ballot; but no person shall vote at the polls provided for by this ordinance, for any State or county officer prescribed in said Constitution.

SECTION THREE. Said election shall be held at such times and places as may be designated by the Board of Commissioners appointed under the provisions of the schedule to the Constitution submitted by this Convention to the people.

SECTION FOUR. The secrecy of the ballot shall be preserved inviolate. No Judge, inspector, or other election officer, shall mark or deface or permit to be marked or defaced, any ballot cast at the poll at which he is acting, whereby, may be ascertained the manner in which any elector voted.

Appended to the Constitution, and passed by the Convention February 11th, 1868.

THOMAS M. BOWEN,
President of the Convention.

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GENERAL INDEX.

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